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STATUTES,

SPECIAL AND GENERAL,

RELATING TO

The Toronto, Grey, and Bruce

RAILWAY COMPANY,

COMPILED

WITH NOTES AND INDEX.

BY

F. J. JOSEPH, Esq.,

(OF OSGOODE HALL, BARRISTER-AT-LAW,)

BY ORDER OF

WILLIAM HENDRIE, Esq.,

PRESIDENT.

TORONTO:
ROWSSELL & HUTCHISON.

1881.

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STATUTES

RELATING TO THE

TORONTO, GREY, & BRUCE RAILWAY COMPANY.

31 VICT., CAP. 40.

An Act to Incorporate the Toronto, Grey, and
Bruce Railway Company.

[Assented to 4th March, 1868.]

WHEREAS, the construction of a Railway from the City Preamble.
of Toronto to the Village of Orangeville, or some
point in the vicinity thereof, and thence to Mount Forest or
Durham, or some point in the vicinity of either, and thence
to the border of the County of Bruce, and thence to
Southampton, in the County of Bruce, on Lake Huron,
with a branch to Kincardine, in the County of Bruce, on
Lake Huron, and also from some point in the line above-
mentioned, at or east of Mount Forest or Durham, to the
Town of Owen Sound, has become necessary for the
development of the resources of the Counties of Grey and
Bruce, and the country adjacent to and lying between
those counties and the City of Toronto.

Therefore Her Majesty, by and with the advice and con-
sent of the Legislative Assembly of Ontario, enacts as
follows :—

1. Henry S. Howland, Arthur R. McMaster, Thomas Incorpora-
Scott, Noah Barnhart, Archibald Taylor, R. Patterson, tion.
John Gordon, George Laidlaw, James Michie, Thomas
Lailey, John Crawford, Thomas Charles Chisholm, James
Edward Smith, Wm. Elliott, the Honorable J. McMurrich,
Frank Smith, and C. J. Campbell, Thomas Swinarton,

Donald Sinclair, Adam Crooks, and Matthew Crooks Cameron, together with such persons and corporations as shall, in pursuance of this Act, become shareholders of the said Company hereby incorporated, are hereby constituted and declared to be a body corporate and politic by the name of the Toronto, Grey, and Bruce Railway Company.

Name.

Certain clauses of the Railway Act to apply.

2. The several clauses of the Railway Act of the Consolidated Statutes of Canada, and amendments with respect to the first, second, third, fourth, fifth, and sixth clauses thereof (a), and also the several clauses thereof with respect "to interpretation" (b), "incorporation" (c), "powers" (d), "plans and surveys" (e), "lands and their valuation" (f), "highways and bridges" (g), "fences" (h), "tolls" (i), "general meetings" (j), "president and directors, their election and duties" (k), "calls" (l), "shares and their transfer" (m), "municipalities" (n), "shareholders" (o), "actions for indemnity, and fines, and penalties, and their prosecution" (p), "by-laws, notices, &c." (q), "working of the railway" (r), and "general provisions" (s), shall be incorporated with and be deemed to be a part of this Act, and shall apply to the said Company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof, and the expression "this Act," when used herein, shall be understood to include the clause of the said Railway Act so incorporated with this Act.

Construction of Railway.

3. The said Company shall have full power, under this Act, to construct a railway from any point in the City of

- (a) See R. S. O. c. 165, ss. 1, p. 54, 4-7 p. 57.
- (b) " " ss. 2, 3, p. 55.
- (c) " " s. 8, p. 58.
- (d) " " s. 9, p. 58.
- (e) " " s. 10, p. 63; ss. 11, 12, p. 66.
- (f) " " ss. 13-20, p. 66; s. 9, sub-s. 3, p. 59.
- (g) " " s. 21, p. 76.
- (h) " " s. 22, p. 77.
- (i) " " s. 23, p. 78.
- (j) " " ss. 24, 25, p. 81.
- (k) " " s. 26, p. 81; s. 25, p. 81; s. 36, sub-s. 4, p. 97.
- (l) " " ss. 27, 28, p. 85; s. 26, sub-ss. 17-20, p. 84.
- (m) " " s. 29, p. 88.
- (n) " " s. 31, p. 91.
- (o) " " s. 30, p. 90; s. 29, sub-ss. 6, 7, p. 90.
- (p) " " ss. 34, 35, p. 95.
- (q) " " s. 32, p. 92.
- (r) " " s. 33, p. 93.
- (s) " " s. 36, p. 96; s. 29, sub-s. 5, p. 89; s. 30, sub-s. 2, p. 90; s. 10, sub-ss. 13, 14, p. 65; s. 23, sub-s. 11, p. 80; s. 33, sub-ss. 12, 13, p. 95.

Toronto (*a*) to the Village of Orangeville, or some point in the vicinity thereof, and thence to Mount Forest or Durham, or some point in the vicinity of either, and thence to the border of the County of Bruce, and thence to Southampton (*b*), with a branch to Kincardine, on Lake Huron (*c*), and also from some point at or east of Mount Forest (*d*), or Durham, in the line above mentioned, to the town of Owen Sound, with full power to pass over any portion of the country between the points aforesaid (*e*), and to carry the said railway through the Crown lands lying between the points aforesaid.

4. The gauge of the said railway shall be not less than Gauge. three feet six inches, but may be made wider in the discretion of the directors of the said company (*f*).

5. Conveyances of lands to the said company for the purposes of this Act may be made in the form set out in the schedule (Schedule A) hereunder written, or to the like effect, and such conveyances shall be registered by duplicates thereof, in such manner and upon such proof of execution as is required under the registry laws of Ontario, and no Registrar shall be entitled to demand more than seventy five cents for registering the same, including all entries, and certificates thereof and certificate endorsed on the duplicate thereof.

Conveyances to the company to be in the form in schedule. Registration fee.

6. From and after the passing of this Act, the said Henry S. Howland, Arthur R. McMaster, Thomas Scott, Archibald Taylor, Robert Patterson, John Gordon, George Laidlaw, James Michie, Thomas Lailey, Thomas Charles Chisholm, James Edward Smith, William Elliott, Frank

Provisional directors.

(*a*) Powers as to lands on Toronto Esplanade. See 35 V. c. 46, ss. 3, 4, p. 19.

(*b*) See 36 V. c. 78, s. 2, p. 16.

(*c*) Termini of the Western lines in Huron and Bruce. See 36 V. c. 78, s. 2, p. 21.

(*d*) Power to build any part of the railway to the west or north-west of the township of Arthur, or village of Mount Forest, or the town line between the townships of Luther and Arthur, by sections 33 V. c. 41, s. 3, 4, p. 16.

Power to construct branch from township of Turnberry to Wingham. See 43 V. c. 66, s. 37, p. 46.

(*e*) Siding and tracks to gravel pits. See sec. 29, p. 11; 36 V. c. 78, s. 4, p. 42.

(*f*) Aid by municipalities to change gauge. See 41 V. c. 55, s. 8, p. 34; 43 V. c. 66, ss. 18, 19, p. 41.

Smith, C. J. Campbell, Honorable John McMurrich, Noah Barnhart, John Crawford, Adam Crooks, Donald Sinclair, Thomas Swinarton, and Matthew Crooks Cameron, shall be the Provisional Directors of the said Company.

Powers of directors.

7. The said provisional directors, until others shall be named, as hereinafter provided, shall constitute the board of directors of the company, with power to fill vacancies occurring thereon, to associate with themselves thereon not more than three other persons, who upon being so named, shall become and be provisional directors of the company equally with themselves, to open stock books, to make a call upon the shares subscribed therein, to call a meeting of the subscribers thereto for the election of other directors, as hereinafter provided, and with all such other powers as, under the Railway Act, are vested in such boards.

Capital of the company
\$3,000,000
with power to increase.

8. The capital of the company hereby incorporated shall be three millions of dollars, (with power to increase the same in the manner provided by the Railway Act) (a), to be divided into thirty thousand shares of one hundred dollars each, and shall be raised by the persons and corporations who may become shareholders in such company; and the money so raised shall be applied, in the first place, to the payment and discharge of all fees, expenses, and disbursements for procuring the passage of this Act, and for making the surveys, plans, and estimates connected with the works hereby authorized; and all the remainder of such money shall be applied to the making, equipment, and completion of the said railway and the other purposes of this Act and to no other purpose whatever; and until such preliminary expenses shall be paid out of the said capital stock, the municipality of any city, county, town, township, parish, or village, on the line of such works, may pay out of the general funds of such municipality, its fair proportion of such preliminary expenses, which shall hereafter be refunded to such municipality from the capital stock of the company, or be allowed to it in payment of stock.

Municipalities may aid by bonus, &c.

9. And it shall further be lawful for any municipality or municipalities through any part of which or near which the railway or works of the said company shall pass or be

(a) See R. S. O. c. 165, s. 29, sub-s. 6, p. 90. The company not to issue above \$1,000,000 of their capital stock without the consent of two-thirds of the shareholders. See 40 V. c. 7, s. 4, p. 32.

situated to aid and assist the said company by loaning or guaranteeing, or giving money by way of bonus or other means to the company (*a*), or issuing municipal bonds (*b*) to or in aid of the company, and otherwise, in such manner (*c*) and to such extent as such municipalities, or any of them shall think expedient (*d*); Provided always, that no such aid, loan, bonus, or guarantee shall be given, except after the passing of by-laws (*e*) for the purpose, and the adoption of such by-laws by the rate-payers, as provided in the Railway Act (*f*).

10. Whenever any municipality shall grant a bonus to aid the said company in the making, equipping, and completion of the said railway, the debentures therefor shall, within six weeks after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in council, one by the said company, and one by the wardens of the counties of York, Peel, Simcoe, Wellington, Grey, and Bruce (*g*), all which trustees to be residents of the City of Toronto (*h*); Provided, that if the Lieutenant-Governor in council shall

Bonus to be held by-trustees.

(*a*) Power of municipalities and others to grant land for right of way, station grounds, &c. See 43 V. c. 66, s. 32, p. 45. See also R. S. O. c. 165, s. 31, p. 91; R. S. O. c. 174, ss. 559 *et seq.* p. 135.

Power of municipalities to exempt company and its property from taxation, or make agreements as to taxes. See 43 V. c. 66, sec. 33, p. 46.

(*b*) Where a portion of a minor municipality grants aid the debentures shall be those of such minor municipality, and where a county municipality grants aid, the debentures shall be those of the county municipality. See 36 V. c. 78, s. 6, p. 24.

(*c*) Power to municipalities to make agreements regarding the expenditure of bonuses within the municipality granting the same. See 43 V. c. 66, s. 36, p. 46.

(*d*) As to aid from municipalities towards changing the gauge, &c. See 41 V. c. 55, sec. 8 *et seq.*, p. 34; 43 V. c. 66, s. 18 *et seq.*, p. 41.

(*e*) Confirmation of municipal by-laws and debentures issued thereunder. See 32 V. c. 82, s. 1, p. 13; 44 V. c. 74, s. 15, p. 53.

(*f*) Since 31st December, 1880, all by-laws granting bonuses to Railways require the assent of the majority of all the ratepayers who were entitled to vote on the by-law. See 43 V. c. 27, s. 16, p. 144.

(*g*) Conditions upon which the warden of the County of Huron may act. See 35 V. c. 46, s. 1, p. 18.

(*h*) The trustees named by the Lieutenant-Governor and the company shall alone be required to be residents of the City of Toronto. See 32 V. c. 82, s. 4, p. 14.

Appointment of trustees of debentures for aid granted under 43 V. c. 66. See 43 V. c. 66, s. 29, p. 44.

How trustees
appointed.

refuse or neglect to name such trustee within one month after the notice in writing to him of the appointment of the other two trustees, the said company shall be at liberty to name one in the place of the one to have been named by the said Lieutenant-Governor in council; Provided, also, that the said wardens shall appoint the said trustee to be named by them by the vote of a majority of them who shall attend a meeting for that purpose, to be held at such time and place as the said company may appoint for that purpose, notice of which shall be sent to each warden, by mail at least fourteen days before the day appointed, and if the said wardens then fail or neglect to name such trustee, the said company shall be at liberty to name one in the place of the trustee to have been named by the said wardens.

How new
trustees to be
appointed.

11. Any trustee appointed may be removed, and a new trustee appointed in his place, at any time by the consent of the Lieutenant-Governor in council, a majority of the said wardens (a) and the said company (b).

Trusts on
which they
hold debentures.

12. The said trustees shall receive the said debentures in trust; firstly, to convert the same into money; secondly, to deposit the amount realized from the sale of such debentures in some of the chartered banks having an office in the City of Toronto, in the name of the "Toronto, Grey, and Bruce Railway Municipal Trust Account," and to pay the same out to the said company from time to time on the certificate of the chief engineer of the said railway in the form set out in schedule B, hereto, or to the like effect, setting out the portion of the railway to which the money to be paid out is to be applied (c), and the total amount expended on such portion to the date of the certificate, and that the sum so certified does not exceed the *pro rata* amount per mile for the length of the road, to be applied on the work so done, and such certificates to be attached to the cheques to be drawn by the said trustees; and the wrongfully granting any such certificate by such engineer, shall be a misdemeanor punishable by fine and imprisonment, by any court of competent jurisdiction in the Province of Ontario (d).

(a) Amended by 35 V. c. 46, s. 1, p. 18.

(b) Manner of filling up vacancies. See 35 V. c. 46, s. 2, p. 19.

(c) Provisions as to application of bonuses. See 32 V. c. 82, ss. 6, 7, p. 14; 33 V. c. 41, ss. 1, 2, 4, p. 15,

(d) See 43 V. c. 66, s. 30, p. 45.

13. The act of any two such trustees to be as valid and binding as if the three had agreed. Act of two trustees to be binding.

14. As soon as shares to the amount of three hundred thousand dollars of the capital stock of the said company, other than by municipalities, shall have been subscribed, and ten per cent. thereof paid into some chartered bank, having an office in the City of Toronto, (which shall on no account be withdrawn therefrom unless for the service of the company), the directors shall call a general meeting of the subscribers to the said capital stock, who shall have so paid up ten per cent. thereof, for the purpose of electing directors of the said company. General meeting when to be called.

15. In case the provisional directors neglect to call such meeting for the space of three months after such amount of the capital stock shall have been subscribed and ten per cent. thereof so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per cent., and who are subscribers among them for not less than one thousand dollars of the said capital stock, and who have paid up all calls thereon. May be called by five subscribers in case of neglect by provisional directors.

16. In either case notice of the time and place of holding such general meeting shall be given by publication in the *Ontario Gazette*, and in one newspaper in the City of Toronto, and in one newspaper in each of the counties through which the said railway is intended to pass, once in each week, for the space of at least one month, and such meeting shall be held in the City of Toronto at such place therein and on such day as may be named by such notice. Notice of general meeting.

17. At such general meeting the subscribers for the capital stock assembled who shall have so paid up ten per cent. thereof, with such proxies as may be present (a), shall choose nine persons (b) to be the directors of the said company (c), and may also make or pass such rules and regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act. Election of directors.

(a) Shareholders to have one vote for every share held. Sec. 24, p. 10. Calls on stock must be paid one week before the meeting. Sec. 25, p. 10. Representation of Municipalities. See sec. 25, p. 10.

Rights of bondholders or debenture stockholders when interest in arrear. See note (a) to sec. 21, p. 9.

(b) Municipal Directors. See 32 V. c. 82, s. 3, p. 14; 41 V. c. 55, s. 10, p. 35; 43 V. c. 66, s. 17, p. 40. See, also, R. S. O. c. 165, s. 31, sub-s. 4, p. 91; R. S. O. c. 174, s. 560, p. 136.

(c) Five directors to form a quorum. Sec. 26, p. 10. See, also, R. S. O. c. 165, s. 26, p. 81.

Qualification. 18. No person shall be qualified to be elected as such director by the shareholders, unless he be a shareholder holding at least ten shares of stock in the company, and unless he has paid up all calls thereon (a).

Annual meetings. 19. Thereafter the general annual (b) meeting of the shareholders of the said company shall be held in such place in the City of Toronto, and on such days and at such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least thirty days previously in the *Ontario Gazette* and in one or more newspapers published in the counties through which the railway runs (c).

Special general meetings. 20. Special general meetings of the shareholders of the said company may be held at such places in the City of Toronto, and at such times, and in such manner, and for such purposes as may be provided by the by-laws of the said company (d).

Bonds. 21. The directors of the said company, after the sanction of the shareholders shall have been first obtained at any special general meeting to be called from time to time for such purpose, but limited to the terms of this Act, shall have power to issue bonds (e) made and signed by the Presi-

(a) Election of directors when interest on bonds or debenture stock is in arrear. See note (a), sec. 21, p. 9.

(b) Semi-annual meetings to be held on the second Wednesday in March. See 43 V. c. 66, s. 14, p. 39.

(c) All annual and special general meetings of shareholders shall be deemed to be sufficiently and regularly called by the publication of notice thereof during the thirty days previous to the day appointed for any such meeting, at least four times in the *Ontario Gazette*, and at least four times in one daily newspaper published in the city of Toronto. See 35 V. c. 46, s. 5, p. 20.

(d) As to requisite notice of special meetings. See note (c) *supra*.

(e) Loan capital fixed at \$2,250,000, with power to issue debenture stock and terminable bonds therefor, and call in old bonds. See 38 V. c. 56, p. 25.

Terminable bonds which have been created and issued before the 1st March, 1875, shall form part of the loan capital, and stand *pari passu* therewith, and on and after the 1st March, 1875, no more bonds were to be issued under the powers in this section. See 38 V. c. 56, s. 6, p. 27.

The bond debt on 1st March, 1875, was not to exceed \$1,600,000. See 38 V. c. 56, s. 9, p. 27.

The loan capital was reduced to \$2,000,000 by 40 V. c. 78, s. 3, p. 32, and consent of two-thirds of the shareholders required prior to issue of stock above \$1,000,000. *Ib.* s. 4, p. 32.

Bondholders empowered to deliver up terminable bonds for debenture stock. 38 V. c. 56, s. 15, p. 29.

Power to exchange terminable bonds for perpetual debenture stock. See 43 V. c. 66, p. 36.

Power to issue preference debenture stock or preference terminable bonds for \$1,000,000. See 44 V. c. 74, p. 48.

dent or vice president of the said company, and countersigned by the secretary and treasurer, and under the seal of the said company for the purpose of raising money for prosecuting the said undertaking, and such bonds shall without registration or formal conveyance be taken, and considered to be the first and preferential claims and charges upon the undertaking and the property of the company, real and personal, and then existing, and at any time thereafter acquired, and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking and the property of the company as aforesaid: Provided, however, that the whole amount of such issue of bonds shall not exceed in all the sum of \$3,000,000, nor shall the amount of such bonds issued at any one time be in excess of the amount of the paid up instalments on its share capital, together with the amount of paid-up municipal and other bonuses, and which have been actually expended in surveys and in works of construction upon the line; and Provided also, further, that in the event at any time of the interest upon the said bonds remaining unpaid, and owing then at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights and privileges, and qualifications for directors, and for voting as are attached to shareholders (a), provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares (b). Mode of Issue.

22. All such bonds, debentures, mortgages, and other securities and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of any such so made payable to bearer, may sue at law thereon in his own name. Securities made payable to bearer.

23. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such Company may become parties to promissory notes, &c.

(a) Rights of holders of bonds or debenture stock as to qualification as directors and for voting as stockholders when interest on loan capital is unpaid. See 38 V. c. 56, s. 13, p. 28. Rights of holders of debenture stock when interest is in arrear. See 43 V. c. 66, s. 15, p. 39. Rights of holders of preference debenture stock or preference terminable bonds when interest in arrear. See 44 V. c. 74, s. 12, p. 51.

(b) See R. S. O. c. 165, s. 29, p. 88. Registration of debenture stock—Transfers and their registration. See 38 V. c. 56, ss. 4, 5, 11, 13, pp. 26, 28. See also 44 V. c. 74, ss. 2-7, p. 49.

promissory note made or endorsed by the president or vice-president, of the company, and countersigned by the secretary and treasurer of the said company, and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or vice-president, or the secretary and treasurer be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the board of directors, as herein provided and enacted: Provided, however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank.

Proviso.

Scale of votes.

24. Every shareholder of one or more shares of the said capital stock, shall, at any general meeting of the shareholders, be entitled to one vote for every share held by him.

Municipal
corporate
stock to be
represented.

25. At all meetings of the company, the stock held by municipal and other corporations may be represented by such person as they shall respectively have appointed in that behalf by by-law, and such persons shall at such meetings be entitled equally with other shareholders to vote by proxy, and no shareholder shall be entitled to vote on any matter whatever unless all calls due on the stock held by such shareholder shall have been paid up at least one week before the day appointed for such meeting.

Who to vote.

Five direc-
tors may act
at any regu-
lar meeting.

26. Any meeting of the directors of the said company, regularly summoned, at which not less than five directors shall be present shall be competent to exercise and use all and every of the powers hereby vested in said directors. (a)

Ten per cent.
to be paid on
subscription.

27. On the subscription for shares of the said capital stock, each subscriber shall pay forthwith to the directors for the purposes set out in this Act, ten per cent. of the amount subscribed by him, and the said directors shall deposit the same in some chartered bank to the credit of the said company.

(a) See R. S. O. c. 165, s. 26, sub-ss. 11-13, p. 83.

28. Thereafter calls may be made by the directors for ^{Future calls.} the time being, as they shall see fit, provided that no calls shall be made at any one time of more than ten per cent. of the amount subscribed by each subscriber.

29. Whenever it shall be necessary for the purpose of ^{When Com-} procuring sufficient lands for stations or gravel pits or for ^{pany may} constructing, maintaining, and using the said railway, the ^{purchase} company may purchase, hold, use, or enjoy such lands, and ^{more land} also the right of way thereto, if the same be separated from ^{than is re-} their railway (a), and to sell and convey the same or parts ^{quired for} thereof from time to time, as they may deem expedient (b). ^{stations, &c.}

30. The said railway company shall, at all times, ^{Company to} receive and carry cordwood or any wood for fuel at a rate ^{carry cord-} not to exceed, for dry wood, two and one-half cents per ^{wood at speci-} mile per cord from all stations exceeding fifty miles, and at ^{fied rates,} a rate not exceeding three cents per cord per mile from all stations under fifty miles in full car loads; and for green wood at the rate of two and a half cents per ton per mile.

31. The company shall further at all times, furnish every ^{Traffic in} facility necessary for the free and unrestrained traffic in ^{cordwood to} cordwood to as large an extent as in the case of other freight ^{be unre-} carried over the said railway. ^{strained.}

32. No foreign through freight shall be carried by the ^{Through} said railway company at a less rate per mile for equal ^{freight.} distances than local freight.

33. (c) The said railway shall be commenced within one (d) year and ^{Railway to be} completed within five years after the passing of this Act, or else the ^{completed in} charter shall be forfeited. ^{five years.}

34. The Interpretation Act (e) shall apply to this Act. ^{Interpreta-}

(a) Provisions in case of disputes with owners. See 36 V. c. 78, s. 3, p. 21. Sidings and tracks to gravel pits. See *Ib.*, s. 4, p. 22.

(b) See 43 V. c. 66, s. 38, p. 47.

(c) Repealed by 36 V. c. 78, s. 1, p. 21, and the time for the completion of the railway extended to five years from the 29th March, 1873.

Time for construction of Wingham branch. See 43 V. c. 66, s. 37, p. 47.

(d) Extended to one year from the 23rd January, 1869. See 32 V. c. 82, s. 5 p. 14.

(e) R. S. O. c. 1.

SCHEDULE A.

Know all Men by these presents, that I (or We) (*insert also the name of wife or any other person who may be a party*) in consideration of _____ dollars paid to me (or *as the case may be*) by the Toronto, Grey, and Bruce Railway Company, the receipt whereof is hereby acknowledged, do grant and convey (and I the said

do grant and release, or do bar my dower in *as the case may be*) all that certain parcel (or those certain parcels *as the case may be*) of land situate (*describe the land*) the same having been selected and laid out by the said Company for the purposes of their Railway, to hold with the appurtenances unto the said the Toronto, Grey, and Bruce Railway Company, their successors and assigns.

As witness my (or our) hand and seal (or hands and seals) this _____ day of _____ one thousand eight hundred and _____

Signed, sealed, and delivered }
in the presence of _____ } [L. S.]

SCHEDULE B.

CHIEF ENGINEER'S CERTIFICATE.

The Toronto, Grey & Bruce Railway Company's Office }
Engineer's Department, A.D., 18 _____ }

No. _____

Certificate to be attached to cheques drawn on the Toronto, Grey and Bruce Railway Municipal Trust Account and given under section _____ of Cap. 31 Vict.

I, _____, Chief Engineer for the Toronto, Grey, and Bruce Railway, do hereby certify that there has been expended in the construction of mile No. _____ (the said mileage being numbered consecutively from the boundary of the City of Toronto) the sum of _____ dollars to date and that the total *pro rata* amount due for the same from the said Municipal Trust Account amounts to the sum of _____ dollars, which said sum of _____ dollars is now due and payable as provided under said Act.

32 VICT., CAP. 82.

An Act to amend the Act Thirty-one Victoria, Chapter Forty, entitled "An Act to Incorporate the Toronto, Grey, and Bruce Railway Company."

[Assented to 23rd January, 1869.]

WHEREAS the Toronto, Grey, and Bruce Railway Com-
pany have prayed for certain amendments of their
charter, and for an extension of the favours conferred upon
them thereby :

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. All by-laws passed by any municipality, or voted upon by the ratepayers of any municipality when passed, for the purpose of aiding the said Toronto, Grey, and Bruce Railway Company, under the ninth section of the Act passed in the thirty-first year of Her Majesty's reign, chapter forty, and entitled, "An Act to Incorporate the Toronto, Grey, and Bruce Railway Company," and all debentures issued or to be issued under such by-law or by-laws shall be and are hereby declared to be legal and valid : Provided such by-law or by-laws have been adopted by a majority of legally qualified ratepayers who have voted thereon : Provided also that the annual rate of assessment shall not, in any case, exceed for all purposes three cents in the dollar on the actual value of the whole ratable property within the jurisdiction of each municipality granting such bonus.

2. All by-laws which, at the time of the passing of this Act, have been submitted to the vote of the ratepayers, but not voted upon, and all by-laws hereafter to be submitted to such vote for granting bonuses to the said company not requiring the levying of a greater annual rate than three cents in the dollar as aforesaid, shall be valid, if passed in other respects in conformity with the provisions of the Act respecting municipal institutions, for the creation of debts.

Head of municipality granting \$250,000 to be a director.

3. Any municipality which shall grant a bonus of not less than two hundred and fifty thousand dollars in aid of the said company shall be entitled to name a director in the said company as the representative of such municipality: and such director shall be in addition to all shareholders' directors in the said company; and shall not require to be a shareholder in the said company: and shall continue in office as a director in the said company until his successor shall be appointed by the municipality which he represents (a).

Part of Sec. 10, 31 Vic., chap. 40 repealed, and new enactment.

4. So much of the tenth section of the said recited Act as requires all the trustees therein named to be residents of the City of Toronto, shall be and is hereby repealed; and in lieu thereof, Her Majesty so enacts that the trustees named by the Lieutenant Governor and the said company shall alone be required to be residents of the City of Toronto.

Time limited to commence extended.

5. Notwithstanding anything in the said recited Act contained, the time for the commencement of the said road shall be extended for one year from and after the passing of this Act.

31 Vic. c. 40, Sec. 12 amended.

6. The following proviso shall be added to the twelfth clause of the said recited Act: "Provided always, that nothing in the said clause contained shall prevent the application of any bonus given by the City of Toronto, or township of Arthur, or village of Mount Forest, or by any municipality between any of those points *pro rata* to the mileage of the said railway between those points alone."

Bonus applicable to certain sections.

7 (b) The company may build any part of their said railway to the west or north-west of the township of Arthur by sections: but no bonus voted by any municipalities to the west or north-west of the said township of Arthur shall be applied to any section out of such municipalities.

(a) Municipalities granting \$250,000 to railway after 1st January, 1878, entitled to an additional director. See 41 V. c. 55, s. 10, p. 35.

(b) Repealed by 33 V. c. 41, s. 2, p. 15, and new sections substituted therefor.

33 VICT., CAP. 41.

An Act to amend the Act passed in the Session held in the thirty-first year of Her Majesty's Reign, chaptered forty, intituled an Act to Incorporate the Toronto, Grey and Bruce Railway Company, and the Act passed in the Session held in the thirty-second year of Her Majesty's Reign, chaptered eighty-two, amending the same.

[Assented to 24th December, 1869.]

WHEREAS the Toronto, Grey, and Bruce Railway Com- Preamble.
pany have prayed for certain amendments of their charter, and for an extension of the powers conferred upon them thereby :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. The said company may expend the bonuses in aid of ^{How the} the said company, granted by the corporation of the City ^{Company may} of Toronto, and granted, or hereafter to be granted by any ^{expend cer-} municipality, through or near which the said railway is to ^{tain bonuses.} pass, between the City of Toronto and the villages of Mount Forest or Arthur, or a point on the town line between the townships of Arthur and Luther, in the construction of the said Railway, from a point on the Grand Trunk Railway, at or near the village of Weston, to the village of Mount Forest, or the village of Arthur, or a point on the Garafraxa Road between the same, or a point on the town line between the townships of Luther and Arthur (less such amount as may be required to be expended between Weston and Toronto), the same to be expended *pro rata* upon each mile of the said portion of the said railway.

2. Section seven of the said Act chaptered eighty-two is 32 V. c. 82, hereby repealed, and the two following sections are hereby ^{s. 7,} amended substituted therefor.

Provision as to place of construction of part of railway.

3. The said Company may build any part of their said railway to the west or north-west of the township of Arthur or village of Mount Forest, or the said town line between the said townships of Luther and Arthur by sections.

Powers of certain municipalities as to bonuses.

4. Any municipality or county municipality, to the west or north-west of the township of Arthur or village of Mount Forest, or the said town line between the townships of Luther and Arthur, which shall grant a bonus in aid of the said railway, shall be at liberty to grant the same, for the purpose of aiding in the construction and equipment of any such section of the said railway, as such municipality shall deem expedient; provided that the section, for which the same is granted, be declared by resolution of the Council of any such municipality, a copy of which resolution shall be handed to the trustees appointed under the said Act, chaptered forty, at the time of the delivery to them of the debentures issued for such bonus; and no such bonus shall be applied or used in the construction of any other section than that for which the same may be granted.

Provision as to by-laws,

5. (a) In case the majority of the persons rated on the last assessment roll as freeholders, as may be qualified voters under the Municipal Act, in any portion of a municipality, do petition the council of such municipality to pass a by-law as hereinafter set out, such petition to define the metes and bounds of the section of the municipality within which the property of the petitioners is situated, or in the case of a county municipality the majority of the reeves and deputy reeves for those townships that may be asked to grant a bonus, do petition the council of such county municipality to pass a by-law as hereinafter set out, and in such petition do define the townships for which they are respectively the reeves and deputy reeves, and expressing the desire of the said petitioners to aid in the construction of the said railway, by granting a bonus to the said company for this purpose, and stating the amount which they so desire to grant and to be assessed therefor, the council of such municipality shall pass a by-law, provided the said by-law shall be approved of by the majority of the qualified voters in the portion of the municipality petitioning as aforesaid, in the manner required by the Municipal Act. (b)

(a) Amended by 36 V. c. 78, ss. 5, 6, 7, p. 22. See also 43 V. c. 27, ss. 16, 17, p. 144.

(b) R. S. O. c. 174.

(1). For raising the amount so petitioned for by such freeholders, or such reeves and deputy reeves, in such portion of the municipality, by the issue of debentures of the municipality, payable in twenty years, and for the delivery to the said trustees of the debentures for the amount of said bonus at the times and on the terms specified in said petition.

(2). For assessing and levying upon all the ratable property lying within the section defined by said petition, an equal annual special rate, sufficient to include a sinking fund, for the repayment of the debentures with interest thereon, said interest to be payable yearly or half-yearly ; which debentures the municipal councils, and the wardens, reeves and other officers thereof, are hereby authorized to execute and issue in such cases respectively.

6. The provisions of the Municipal Acts, and of the said recited Acts chaptered forty and eighty-two, and of this Act, as to the bonuses granted by any municipality, and the by-laws for granting the same, shall apply to any bonus so granted, or by-law so passed by or for a portion of a municipality (a).

7. That any county in which are situated a township or townships that have granted or hereafter may grant a bonus or bonuses in aid of the said railway company, shall be at liberty to take the debentures issued by such township or townships, and in exchange therefor to hand over to the trustees under said Railway Act the debentures of the county, on a resolution being passed to that effect by a majority of the county council.

(a) See 43 V. c. 27, ss. 16, 17, p. 144.

35 VICT., CAP. 46.

An Act to amend the several Acts relating to the
Toronto, Grey, and Bruce Railway Company.

[Assented to 2nd March, 1872.]

Preamble.

WHEREAS the Toronto, Grey, and Bruce Railway Company have prayed for certain amendments to the Act passed in the thirty-first year of Her Majesty's reign, chaptered forty, intituled "An Act to Incorporate the Toronto, Grey, and Bruce Railway Company," and the Act passed in the thirty second year of Her Majesty's reign chaptered eighty-two, and the Act passed in the thirty-third year of Her Majesty's reign, chaptered forty-one, and for an extention of the powers conferred upon them thereby; And whereas certain municipalities within the County of Huron have granted, or are now about to grant, bonuses in aid of the said Company; And whereas the said Company have obtained, under an agreement entered into with the Grand Trunk Railway Company of Canada, running powers over a certain portion of the Grand Trunk Railway, and are in occupation under a lease from the said Grand Trunk Railway Company of lands and buildings for their station grounds and workshops adjoining the Queen's Wharf, in the City of Toronto, and are in the occupation under a lease from the Harbour Comissioners of the Toronto Harbour of the said Queen's Wharf; And whereas the said Company are desirous of obtaining direct access to the said station ground and workshops and Queen's Wharf from the main line of their Railway, or the main line of the Grand Trunk Railway, running over the esplanade in the City of Toronto;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

31 V., c. 40,
ss. 10 & 11
amended.

1. If the said company do build any part of their railway in or through the County of Huron, and any bonus in aid of the said railway be granted by any municipality in said county, then all appointments of trustees hereafter to be made by wardens of the counties, in pursuance of sections ten and eleven of the said Act,

passed in the thirty-first year of the reign of Her Majesty Queen Victoria, and chaptered forty, shall be made by the wardens of the several counties therein named and the warden of the County of Huron; and the said sections ten and eleven, are hereby amended accordingly.

2. In case any trustee, now or hereafter appointed, in pursuance of the said Act or any amendment thereof, die, resign, become incapable of acting or refuse to act, or reside out of Ontario, his trusteeship shall be vacant, and a new trustee shall be appointed in his place in the same manner as the original trustee was appointed.

3. Notwithstanding any Act or law in force to the contrary (and notwithstanding the title of the Crown or of any corporation, company or individual) the said the Toronto, Grey, and Bruce Railway Company shall have power to lay and maintain a track of such gauge or gauges as they shall require to connect the track or main line of their said railway, or the main line of the Grand Trunk Railway running over or along the said esplanade with the said station grounds and workshops and Queen's Wharf through the lands now in the occupation of the Northern Railway Company and the Great Western Railway Company, lying between the said main line of the Grand Trunk Railway and the said station grounds and workshops and Queen's Wharf; Provided that such tracks be laid so that no alteration of the present level of the tracks of the Northern Railway and Great Western Railway, or either of them, shall be occasioned thereby; and provided that the said Toronto, Grey, and Bruce Railway Company do pay such annual rental as may be agreed upon to the said Northern Railway Company and Great Western Railway Company respectively, for the land to be taken from each of said companies, or the Crown, or corporation or individual entitled to any other lands, as the case may be, which may be taken by them for such track and the value of any buildings or erections, or the cost of moving the same belonging to them respectively which may be necessarily removed in order to lay the said track; and in case the amount so to be paid cannot be agreed upon, the same shall be ascertained by arbitration in the same manner as is provided by the Railway Act, chaptered sixty-six of the Consolidated Statutes of Canada (a), with regard to lands to be taken, or powers to be exercised, by railway companies.

(a) See R. S. O. c. 165, s. 9, p. 58; *Ib.* ss. 11-20, p. 66.

Limit within
which tracks
may be laid.

4. Provided that such track or tracks be laid in accordance with the strong red line on the plan deposited herewith in the private bill office of the House of Assembly or within any other increased limits which may be agreed upon between the said Toronto, Grey, and Bruce Railway Company and the several railway companies interested in the land to be occupied.

Notice of annual and special meetings.

5. All annual and special general meetings of the shareholders of the said Toronto, Grey and Bruce Railway Company shall be deemed to be sufficiently and regularly called by the publication of notice thereof during the thirty days previous to the day appointed for any such meeting at least four times in the *Ontario Gazette*, and at least four times in one daily newspaper published in the City of Toronto; and sections nineteen and twenty of the said Act passed in the thirty-first year of the reign of Her Majesty Queen Victoria, chaptered forty, are hereby amended accordingly.

36 VICT., CAP. 78.

An Act to amend the several Acts relating to the
Toronto, Grey, and Bruce Railway Company.

[Assented to 29th March, 1873.]

WHEREAS the Toronto, Grey, and Bruce Railway Com- Preamble.
pany have prayed for certain amendments to the
several Acts relating to the said Company :

Therefore Her Majesty, by and with the advice and con-
sent of the Legislative Assembly of the Province of
Ontario, enacts as follows :

1. The thirty-third section of the Act passed in the 31 V., c. 31,
thirty-first year of the reign of Her Majesty Queen Vic- s. 33, amend-
toria, chaptered forty, is hereby repealed, and the time for ed.
the completion of the said railway is extended for five years
from the passing of this Act.

2. The said company may fix any place or places in the Termini of the
counties of Huron and Bruce as the terminus or termini of western lines.
the western line or lines of their railway ; and shall not be
bound to construct their said railway to Southampton and
Kincardine, or either of them, or to the waters of Lake
Huron ; but may hereafter within the time hereby limited,
whenever they shall deem expedient, extend or construct
their railway, or branches thereof, to the waters of Lake
Huron, at either or both of the said points, or any other
point or two points between Goderich and Southampton ;
such extensions or branch lines to be built from Teeswater
or from some point between Teeswater and Wroxeter or
one from each of any two such points, as the company may
see fit ; and the third section of the said Act, passed in the 31 V., c. 40,
thirty-first year of the reign of Her said Majesty Queen s. 3, amended.
Victoria, and chaptered forty, is hereby amended accordingly.

3. Where stone, gravel or any other material is or are Powers of the
required for the construction or maintenance of said Rail- company as to
way or any part thereof (a), the company may, in case they stone, gravel,
cannot agree with the owner of the lands on which the &c.

(a) See 31 V. c. 40, s. 29, p. 11.

same are situate for the purchase thereof, cause a provincial surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of the compensation shall have the same effect as in case of arbitration for the roadway; and all the provisions of the Railway Act, as varied and modified by the special Acts relating to the said company as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section, and to the obtaining materials as aforesaid; and such proceedings may be had by the said company either for the right to the fee simple in the land from which said material shall be taken or for the right to take material for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Siding and
tracks to gra-
vel pits.

4. When said gravel or stone or other materials shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary siding and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be (a); and all the provisions of the Railway Act and of the special Acts relating to the said company's Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway (b).

Aid to com-
pany from
municipali-
ties.

5. (c) In case fifty persons, at least, rated on the last revised assessment roll of any municipality as freeholders who may be qualified voters under the Municipal Act, do petition

(a) See 31 V. c. 40, s. 29, p. 11.

(b) Powers as to sale of lands not required for the use of the railway. See 31 V. c. 40, s. 29, p. 11; 43 V. c. 66, s. 38, p. 47.

(c) See 43 V. c. 27, ss. 16, 17, p. 144.

the council of such municipality, and in such petition expressing the desire of the said petitioners to aid in the construction of the said railway by giving a bonus to the said company, and stating the amount which they so desire to grant and be assessed for, the council of such municipality shall within six weeks after the receipt of such petition, introduce a by-law, and submit the same to the vote of the qualified voters; and in case aid is desired from any portion of a township municipality, if at least fifty of the persons who are qualified voters as aforesaid, in any portion of the said township municipality, do petition the council of such municipality to pass a by-law, in such petition defining the metes and bounds within which the property of the petitioners is situate, and expressing the desire of the said petitioners to aid in the construction of the said railway by granting a bonus to the said company, and stating the amount which they so desire to grant and be assessed for, the council of such municipality shall within six weeks after the receipt of such petition, introduce the requisite by-law, and submit the same to the approval of the qualified voters of the said portion of such municipality; and in case aid is desired from any county municipality upon the petition of at least fifty persons who are qualified voters in each such county municipality, and in case aid is desired from any portion of a county municipality, upon the petition of at least twenty persons qualified voters from each minor municipality or the portion thereof to be affected by the by-law, as the case may be, or upon the petition of the majority of the reeves and deputy-reeves of such county municipality, who reside in the said portion from which aid is desired, and in case of a portion of a county do in such petition define the municipality or municipalities within such county municipality, and the metes and bounds of the portion or portions of the municipality forming the portion of the county municipality that may be asked to grant aid, and in either case in such petition expressing the desire of the said petitioners to aid in the construction of the said railway by granting a bonus to the said company, and stating the amount which they so desire to grant and be assessed for, the council of such county municipality shall, within six weeks after the receipt of such petition, introduce the requisite by-law, and submit the same to the vote of the qualified voters of the county or of the portion of the county defined in the said petition, as the case may be, in the same manner and to the same effect as if they had introduced the same of their own motion;

and upon any such petition being presented to the warden or other head of any county or the reeve, mayor, or other head of any other municipality, he shall forthwith call a meeting of the council of such municipality, to be held within four weeks thereafter, for the purpose of introducing such by-law, and submitting the same to the vote of the qualified voters; and the fifth section of the Act passed in the thirty-third year of the reign of Her Majesty Queen Victoria, and chaptered forty-one, is to be read as modified by the foregoing provisions of this section.

33 V., c. 41, s.
5, amended.

Aid from
minor muni-
cipalities.

6. The said aid and assistance by the loaning or guaranteeing or giving of money by way of bonus or other means, or the issuing of municipal bonds, for the purposes and in the manner set out in the said Acts, or in this Act, may be given to the said company by any portion of a county municipality whether the metes and bounds of such portion of a county municipality as set out in the by-law for granting such aid by the metes and bounds of minor municipalities or be so defined as to comprise one or more minor municipalities, and one or more portions of minor municipalities, or to comprise only portions of minor municipalities: And in the case of a portion of a minor municipality granting such aid, then the debentures to be issued shall be those of such minor municipality and in the case of a county municipality granting such aid, then the debentures to be issued shall be those of the county municipality.

“Minor muni-
cipality” de-
fined.

7. It is declared that the words “minor municipality” herein mean and are to be read and construed as, “town, incorporated village, or township.”

38 VICT., CAP. 56.

An Act to amend the several Acts relating to the
 "Toronto, Grey, and Bruce Railway Company."

[Assented to 21st December, 1874.]

WHEREAS certain of the bonds of the Toronto, Grey, Preamble.
 and Bruce Railway company, issued in pursuance of
 the twenty-first section of the Act passed in the thirty-
 first year of Her Majesty's reign, chaptered forty, incorpo-
 rating the said company are about shortly to fall due, and
 it is necessary to make provision for payment of the bonds
 issued under said Act:

Therefore Her Majesty by and with the advice and
 consent of the Legislative Assembly of the Province of
 Ontario, enacts as follows :

1. On and after the first day of March, one thousand Loan capital
 eight hundred and seventy-five, the loan capital of the of company.
 company which they shall have power to create and issue
 shall be fixed at the sum of two millions, two hundred and
 fifty thousand dollars (a), and shall consist of debenture stock
 and terminable bonds, or either which shall have co-ordi-
 nate lien, and without registration or formal conveyance Lien thereof.
 shall be a first mortgage and charge upon the railway,
 upon all and every the undertaking, and upon the real and
 personal property of the company, including its rolling
 stock and equipments then existing and at any time there-
 after acquired, together with the franchises of the said
 company.

2. The Directors of the said company, after the sanc- Power to issue
 tion of the shareholders shall have been first obtained at debenture
 any special meeting to be called from time to time for such stock and
 purpose, shall have power to issue the debenture stock and terminable
 terminable bonds (b) in such amounts and manner, on such bonds.

(a) Reduced to \$2,000,000 by 40 V. c. 78, s. 3, p. 32, and consent of
 two thirds of shareholders required prior to issue of stock above \$1,000,000.
Ib. s. 4, p. 32.

(b) Power to exchange terminable bonds for perpetual debenture stock.
 See 43 V. c. 66, s. 1, *et seq.*, p. 36. Power to issue preference debenture
 stock or preference terminable bonds. 44 V. c. 74, p. 48.

terms, subject to such conditions and with such rights and privileges as the directors from time to time may think proper and convenient, and such bonds and stock shall be without any preference of one above another by reason of priority of date of issue or otherwise howsoever: the principal sum of all bonds to be issued, as well as the interest payable thereon, shall be payable in the same manner, on the same terms, and at the same time: the debenture stock shall be issued to secure one uniform rate of interest (although the rate of interest may be different from that to be paid on bonds.)

Form of
bonds.

3. The bonds which may be created as part of the loan capital shall be under the common seal of the company and shall be signed by the president or vice-president of the company and counter-signed by the secretary; they may be issued as payable to bearer either in sterling or in the currency of Canada at such place or places in Canada or Great Britain as may be deemed advisable; they shall be transferable by delivery, and the holder of any bond made payable to bearer may sue thereon in his own name.

Registration
of debenture
stock.

4. The debenture stock which from time to time shall be created as part of the loan capital, shall be entered by the company in a register to be kept for that purpose, wherein they shall enter the names and addresses of the several persons and corporations from time to time entitled to debenture stock with the respective amounts of the stock to which they are respectively entitled; and the register shall be accessible for inspection and perusal at all reasonable times to every bondholder or debenture stock-holder of the company without the payment of any fee or charge.

Debenture
stock certifi-
cates.

5. The company shall deliver to every holder a certificate stating the amount of debenture stock held by him; and all regulations or provisions for the time being applicable to certificates of ordinary shares in the capital of the company, and transfer of such shares shall apply *mutatis mutandis* to certificates and transfers of debenture stock.

Certain ter-
minable bonds
to form part of
loan capital.

6. The terminable bonds which shall have been created and issued before the first day of March, one thousand eight hundred and seventy-five, shall form part of the said loan capital, and in every respect shall stand *pari passu* there-

with; and on and after the said day no more bonds shall be issued under and by virtue of the twenty-first section of the statute passed in the thirty-first year of the reign of Her Majesty Queen Victoria, chaptered forty, or of any other powers contained in any of the Acts relating to the company except this Act. ^{Limit to issue.}

7. It shall be the duty of the directors by proper diligence and all reasonable means, to call in all the bonds which shall have been issued prior to the first day of March, one thousand eight hundred and seventy-five, by means of the substitution or the sale or otherwise, of the bonds and debenture stock hereinbefore authorized to be issued as part of the loan capital, upon such terms as to the directors may seem proper; provided that such securities shall not be otherwise applied (except as hereinafter provided), and that the loan capital outstanding at any time, shall not be in excess of the limit of two millions, two hundred and fifty thousand dollars. ^{Calling in old bonds.}

8. The directors shall not have power to raise any part of the amount of the loan capital, which shall be found to be in excess of the amount of bonds, which shall have been created and issued before the first day of March, one thousand eight hundred and seventy-five, until two-thirds of the said bonds shall have been paid, or surrendered, or exchanged for other bonds or debenture stock, and that an amount of the loan capital shall be reserved, to meet the remaining one-third of the said bonds, and not to be otherwise applied, which shall be equal in proportion to the amount of loan capital which shall have been applied to secure the payment, or surrender, or exchange of the said two-thirds of the said bonds issued prior to first day of March, one thousand eight hundred and seventy-five. ^{Manner of raising loan capital.}

9. The bond debt of the company created or to be created prior to the first day of March, one thousand eight hundred and seventy-five, under the said twenty-first section of the Act passed in the thirty-first year of Her Majesty's reign, chaptered forty, shall not exceed in the whole the sum of one million, six hundred thousand dollars. ^{Limit to creation of bond debt.}

10. Money borrowed by the company for the purpose of paying off, and afterwards duly applied in paying off bonds of the company given or made under any of the statutory powers of the company, shall so far as the same is so duly applied, be deemed money borrowed within and not in excess of such statutory powers. ^{What shall be considered money borrowed under the statutory powers of the company.}

Transfer of
debenture
stock.

11. All transfers of debenture stock of the company shall be registered at the office of the company in Toronto, in Canada, and not in any office of the company which may be established in Great Britain, but all such transfers may be left at the office of the Company in Great Britain, or at any other place in Great Britain which the company may indicate, for the purpose of being transmitted to the office of the company in Toronto for the purpose of registration.

Monthly
statement of
progress of
sale of bonds
or stock.

12. It shall be the duty of the directors to exhibit monthly, at the head office of the company at Toronto, and at the said office or office or place in Great Britain or such other place in Great Britain, where the bonds or the interest thereon, or the interest on the debenture stock are payable, a statement of the progress of the sale, exchange, or substitution of the bonds or debenture stock, together with the rate or price at which the same shall have been sold or exchanged, until the payment or redemption of the whole of the bonds issued prior to the first day of March, one thousand eight hundred and seventy-five, shall have been accomplished.

Rights of
holders of
bonds or stock
with interest
in arrear.

13. In the event at any time of the interest upon the loan capital remaining unpaid and owing, whether the same be held in bonds or debenture stock, then at the next general annual or special meeting of the company all holders of bonds or debenture stock shall have and possess the same rights and privileges and qualifications for Directors and for voting as are attached to ordinary shareholders (a); Provided that the bonds, debenture stock and any transfers thereof shall have been first registered in the same manner as is provided for the registration of ordinary shares.

Proceedings
where interest
on loan capital
is in arrear

14. If within thirty days after the interest on the loan capital whether on debenture stock or on bonds is payable, the same is not paid, any one or more of the holders of the debenture stock or bonds holding individually or collectively a sum equal to one-tenth of the aggregate amount of the loan capital, may (without prejudice to the right to sue in any Court of competent jurisdiction for the interest in arrear) obtain the appointment of a receiver, and if the Court think fit of a manager of the undertaking of the company on application by petition in a summary way to

(a) Rights of holders of perpetual debenture stock when interest in arrear. See 43 V. c. 66, s. 15, p. 39. Rights of holders of preference debenture stock or preference terminable bonds when interest in arrear. See 44 V. c. 74, s. 12, p. 51.

the Court of Chancery for Ontario; and no receiver or Receiver, manager shall be appointed by any Court on the applica- appointment and duties of. tion of any person or persons who do not individually or collectively hold such debenture stock or bonds or both amounting in the aggregate to one-tenth of the said loan capital. All money received by such receiver or manager shall after due provision for the working expenses of the railway and other proper outgoings in respect of the undertaking be applied under the directions of the Court ratably and without priority among all the proprietors of debenture stock and holders of bonds to whom interest is in arrear, and on payment thereof the Court may if it think fit discharge such receiver or such receiver and manager.

15. Any holder of terminable bonds may, at any time, Exchanging with the consent of the directors of the company, deliver terminable up the terminable bonds held by him in exchange for bonds for debenture stock at par, or at such rate as the directors stock. may fix.

16. The said company shall have the right on and after Right to enter the first day of November, in each year, to enter into and upon lands. upon any lands of her Majesty, or into or upon any lands of any corporation or person whatsoever lying along the route or line of said railway; and to erect and maintain such fences thereon subject to the payment of such land damages (if any) as may be thereafter established in the manner provided by law, in respect to such railway to have been actually suffered: Provided always, that any such snow fences so erected shall be removed on or before the first day of April then next following.

40 VICT., CAP. 78.

An Act respecting the Toronto, Grey, and Bruce Railway Company.

*[Assented to 2nd March, 1877.]*Preamble
38 V. c. 56.

WHEREAS by the Act passed in the thirty-eighth year of Her Majesty's reign, chaptered fifty-six, intituled "An Act to amend the several Acts relating to the Toronto, Grey, and Bruce Railway Company," the said company were empowered to create a total loan capital of two millions two hundred and fifty thousand dollars including the bonds issued under the former Acts relating to the said company as existing on the first day of March, 1875, such loan capital to consist of debenture stock and terminable bonds or either: And whereas the said company procured the passing of the said Act for the purpose of enabling them to consolidate their bond and other debts, and to make a settlement thereof with the various classes of their creditors: And whereas a very large majority to wit a majority exceeding nine-tenths in value of the holders of the bonds issued prior to the said first day of March, one thousand eight hundred and seventy-five, which said bonds amounted in the whole to one million six hundred thousand dollars agreed with the said company to the effect following:—namely, that the said power to create loan capital conferred upon the said company by the said Act, thirty-eighth Victoria, chapter fifty-six should be exercised only so far as to create a loan capital of two million dollars, and no more, and that such capital should bear interest at the rate of six per centum per annum, and that the said bondholders should surrender and exchange the bonds they then held for an equal nominal value of bonds of such new issue, but inasmuch as the total amount of such new bonds is greater in respect of the same mileage, and such new bonds bear a less rate of interest than the said pre-existing bonds, such surrender and exchange should be made at the rate of eighty per cent. of the par value or nominal amount of such new bonds, leaving twenty per cent. of the amount of such old bonds to be paid by the allotment and issue to such bondholders of fully paid up shares of the capital stock of the said company to the extent or in the proportion of one share of one hundred dollars to each bond of five hundred dollars (\$500), and the same also to each bond

of one hundred pounds (£100) sterling, (which it was agreed should be equivalent to five hundred dollars), so surrendered and exchanged: And that the said bonds remaining after providing for such surrender and exchange of all the said pre-existing bonds should be applied firstly in payment of debts of the company, secured by liens upon rolling stock, and then in or towards payment of the unsecured liabilities of the company in the manner, and to the extent hereinafter mentioned, and also that the ordinary capital stock of the said company should be limited to one million dollars: And whereas the said bondholders to the extent aforesaid, have surrendered and exchanged their bonds in accordance with the said agreement: And whereas the said company thereupon agreed with a large majority of their creditors to settle the claims of such creditors according to their several classes in the following manner, viz:—

1. Debts secured by liens upon rolling stock—by the issue to such creditors respectively of bonds of the new issue, equal in par value or nominal amount to the amount of the debt in each case, but issued to such creditors at a discount of twenty per cent. of their par value or nominal amount.

The said twenty per cent. of such debts still remaining unpaid to be paid in each case by the allotment and issue to the creditor of this class of fully paid up shares in the capital stock of the company to the extent of such twenty per cent.

2. The unsecured liabilities of the company—by the issue to such unsecured creditors respectively of bonds of the new issue equal in par value or nominal amount to one-third of the amount of their respective debts, but issued to such creditors at a discount of twenty per cent. on such par value or nominal amount.

The remaining two-thirds of such claims respectively together with the twenty per cent. of the other third still remaining unpaid, to be paid by the allotment and issue to such creditors respectively of fully paid up shares in the capital stock of the company equal in par value or nominal amount to such remaining amount: And whereas the said proposed arrangements have been agreed to and accepted by a large majority of each of the said several classes of creditors, and bonds and stock have been issued to them accordingly: And whereas the said several arrangements and settlements have been consented to and approved of

by the shareholders of the said company: And whereas the said company are desirous of having the same confirmed by Act of the Legislature of this Province, and have petitioned for such Act, and it is expedient to grant the prayer of such petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Settlement
between the
company and
bondholders
confirmed.

1. The said settlement made by the said company, with the holders of the bonds of the said company issued prior to the said first day of March, 1875, and the said settlement made with the said several classes of the creditors of the said company, and the disposal of bonds issued under the authority of the said Act, thirty-eighth Victoria, chapter fifty-six, as hereinbefore mentioned, and the allotment and issue of fully paid up shares of the capital stock of the company, and disposal thereof in the manner, and for the purposes above mentioned, are hereby confirmed and declared to be and to have been within the powers of the said company and of the Directors of the said company respectively, and valid and binding upon the said company and upon all persons whomsoever: Provided that this clause shall not apply to any creditors who were not parties to the said agreement, and did not consent thereto.

Shares to be
deemed as
paid in full.

2. Any share or shares allotted to any bondholder or creditor of the company as of the paid up capital of the company, shall be deemed and taken to be paid up in full to all intents and purposes whatever, as fully and effectually as if such bondholder or creditor had paid for such share or shares in full in money.

Loan capital
fixed at
\$2,000,000.

3. The loan capital which the said company shall have power to create and issue, is hereby fixed at two millions of dollars instead of the amount fixed by the first section of the said Act, thirty-eighth Victoria, chapter fifty-six, and the said Act is hereby amended accordingly.

Consent of
two-thirds of
the share-
holders re-
quired prior
to issue of
stock above
\$1,000,000.

4. The said company shall not have power to allot or issue more than one million dollars or ten thousand shares in all of their capital stock including the amount thereof heretofore allotted and issued, except by and with the consent of two thirds of the shareholders present in person or by proxy, at any special general meeting called for such purpose.

41 VICT., CAP. 55.

An Act to amend the several Acts relating to the
Toronto, Grey, and Bruce Railway Company.

[Assented to 7th March, 1878.]

WHEREAS the Toronto, Grey, and Bruce Railway Com- Preamble.
pany have petitioned for an Act to amend the several
Acts relating to the said company, and for certain other pur-
poses in the said petition set forth; and whereas it is
expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and
consent of the Legislative Assembly of the Province of
Ontario, enacts as follows:

1. (a) The company may issue bonds to be secured on all moneys to be ^{Postal bonds.}
received by the company from the Dominion and from Her Majesty's
Imperial Government for postal services, and for the conveyance of troops,
military stores and munitions of war; and the said bonds and the interest
thereon shall be a first charge on such moneys; and such moneys shall be
appropriated solely to the payment of such bonds and the interest thereon,
such bonds so to be issued shall be called postal bonds.

2. Such postal bonds shall not be issued except with the consent of the ^{Terms upon}
holders of the first mortgage bonds and debenture stock who shall have ^{which postal}
registered their bonds and stock and transfers thereof pursuant to the ^{bonds may be}
provisions of the thirteenth section of the Act passed in the thirty-eighth ^{issued.}
year of the reign of Her Majesty Queen Victoria, and chaptered fifty-six,
such consent to be given by at least two-thirds of the votes of such bond
and debenture stockholders present in person or by proxy at any meeting
of such bond and stockholders to be called by the said company by notice
to be given once a week for four weeks, in a daily newspaper published in
Toronto, and once a week for four weeks in a daily newspaper published
in London, in England; and such meeting shall be held at the general
offices of the company in Toronto, on the day and at the hour to be fixed
by such notice, being not less than six weeks after the date of the first
appearing of the said notices of the paper in London; and at any such
meeting each person to have one vote for each hundred pounds sterling
amount of the bonds or debenture stock held by them.

3. The directors of the company, after the sanction of the shareholders ^{Second mort-}
shall have been first obtained at any special meeting to be called from time ^{gage bonds.}
to time for such purpose, shall have power to issue bonds to be called
second mortgage bonds, in such amounts and manner, on such terms, and
subject to such conditions, and with such rights and privileges as the
directors from time to time may think proper and convenient; and such
bonds shall be without any preference of one above another by reason of

(a) Sections from 1 to 6 inclusive, are repealed by 44 V. c. 74, s. 13,
p. 52, no postal bonds or second mortgage bonds having been issued.

priority of date of issue or otherwise howsoever; the principal sum of all bonds to be issued, as well as the interest payable thereon, shall be payable in the same manner, on the same terms, and at the same time.

Second mortgage bonds to be next charge after debenture stock, &c. 4. The said second mortgage bonds shall have co-ordinate lien, and without registration or formal conveyance, shall be a mortgage and charge next after the debenture stock and terminable bonds which the said company is empowered to issue by the Act passed in the thirty-eighth year of Her Majesty's reign, chaptered fifty-six, section two, upon the railway, upon the undertaking, and upon all the real property of the company, and its rolling stock and equipments then existing, and at any time thereafter acquired, together with the franchises of the company.

Second mortgage bonds to be limited to amount of bonuses, &c. 5. Provided always that the second mortgage bonds which the company shall have power to issue as aforesaid, shall never exceed the amount from time to time of bonuses which shall subsequent to the first day of January in this present year be granted to the said company by municipalities, or from other sources; and any loan made to the company by any municipality upon the security of such second mortgage bonds shall be deemed to be a bonus within the meaning and provisions of this section.

Form and issue of postal and second mortgage bonds. 6. The said postal bonds and second mortgage bonds respectively shall be under the common seal of the company and signed by the president or vice-president, and countersigned by the secretary and treasurer; they may be issued as payable to bearer, either in sterling or in currency of Canada, at such place or places in Canada or Great Britain as may be deemed advisable; they shall be transferable by delivery, and the holder of any bond made payable to the bearer may sue thereon in his own name (a).

Power to issue balance of capital stock in certain modes. 7. The directors shall have the power after the sanction of the shareholders shall have been first obtained at any special meeting to be called from time to time for such purpose, to issue all or any part from time to time of the ordinary share capital authorized but hitherto unissued, on such terms as to rate of premium or discount or otherwise as they may consider expedient, as ordinary shares or as preference shares, or as preferred stock, with the option of conversion into shares at such rate and in such manner and at such price or prices as to premiums or discount, or otherwise as from time to time they may deem advisable.

Arrangement for change of gauge and aid by municipalities. 8. The corporation of any municipality interested in the said railway and its operations, or through or near to which the said railway passes or is situate, may enter into agreements with the company, with respect to the changing of the gauge of the said railway to four feet eight and one-half inches, in lieu of the present gauge; and respecting the aiding and assisting of the said company by granting money by way of bonus, or by lending money to the com-

(a) See 43 V. c. 66, s. 16, p. 40.

pany or otherwise, for the purpose of enabling the said company to make such change of gauge, and otherwise to improve the railway; and respecting the application of moneys so granted or loaned, and respecting the payment of the same to the company, direct or through the intervention of trustees to be named in any such agreement or otherwise: Provided that nothing in this section shall be construed as authorizing the granting of a bonus or lending of money without the assent of the ratepayers.

9. It shall not be necessary for any municipality lending money or granting a bonus to the said company under the authority of this Act, to levy a rate for raising the sinking fund provided for by the by-law for raising the money so loaned or bonus so granted in any year, excepting so far as it shall be requisite to raise such sinking fund in case of the insufficiency of the interest paid by the company on the bonds of the company held by such municipality for such loan or bonus to meet the amount required to be raised for such sinking fund, but any such municipality may apply the interest paid by the said company on their said bonds, in or towards payment of such sinking fund in lieu of raising the same by levying a rate therefore or in reduction of the rate required to be levied.

Levying sinking fund in municipalities granting aid.

10. Any municipality which shall, after the first day of January in this present year, grant any such bonus of not less than two hundred and fifty thousand dollars, in aid of the company, shall be entitled to name a director (a) in the company as the representative of such municipality, and such director shall be in addition to all other directors in the company, whether appointed by the shareholders or by the same or any other municipality, and shall not require to be a shareholder in the company, and shall continue in office as a director in the company until his successor shall be appointed by the municipality which he represents.

Director on part of municipalities granting aid.

(a) See 43 V. c. 66, s. 17, p. 40.

43 VICT., CAP. 66.

An Act to amend the several Acts relating to the
Toronto, Grey, and Bruce Railway Company.

[Assented to 5th March, 1880.]

Preamble.

WHEREAS the Toronto, Grey, and Bruce Railway has, owing chiefly to its exceptional gauge, become involved in financial difficulties and is unable to meet the interest on its bonds or to provide means for maintaining its railway, or for the change of gauge and other expenditure necessary to put the undertaking on a proper basis; and whereas the company has petitioned for certain amendments to the Acts relating to the railway and for such additional powers and provisions as will enable it to re-arrange its affairs, to change its gauge, and to put the undertaking on an efficient basis through municipal aid and otherwise; and whereas the company has also petitioned for power to build a branch of the railway to the town of Wingham; and whereas it is expedient to grant the prayer of the petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

**Meetings of
bondholders
may be called.**

1. The company may at any time, and from time to time as it may deem expedient, cause a meeting or meetings of the holders of the terminable bonds of the company to be called, to be held on a day and hour named in the notice calling such meeting, at the general office of the company in Toronto, in order to consider a proposal for the exchange of such bonds for perpetual debenture stock ;

**Notice of
meeting.**

(2) Notice of such meeting shall be published by the company at least once a week for four weeks in a daily newspaper published in Toronto, and once a week for four weeks in a daily newspaper published in London, England, and the first of such London publications shall be not less than six weeks before the day fixed for the meeting.

2. At any such meeting any bondholder may act in person or by proxy, and each bondholder shall have one vote for each one hundred pounds sterling of bonds held by him. Votes.
3. In case at any such meeting it be resolved by a vote of two-thirds or more in value of the bondholders there present or represented, that the bonds shall be exchanged for perpetual debenture stock (hereinafter called debenture stock), under the provisions of this Act, such resolution shall be binding on all the holders of bonds, whether present or represented or not, and whether dissenting or not, and upon any transferee or subsequent holder of any bond. A vote of two-thirds in value to accept debenture stock to bind all bondholders.
4. The company shall publish notice of the passing of any such resolution in like manner as is by this Act provided for the publishing of notice of the meeting. Publication of resolution.
5. After the passing of any such resolution, the only right of the holders of bonds in respect of principal or interest, shall be to exchange their bonds for debenture stock, and the only liability of the company shall be to make such exchange, which shall be effected prior to the first day of July, one thousand eight hundred and eighty-one. Right of bondholders. Liability of company.
6. The total amount of debenture stock which the company may issue in exchange for bonds shall not exceed two million dollars, and each bondholder shall be entitled to one hundred pounds sterling of such stock for each one hundred pounds sterling of bonds held by him; but no bondholder shall be entitled to anything in respect of arrears of interest or accruing interest on his bonds, and the unpaid interest coupons shall be given up to the company on the exchange of bonds for debenture stock. Debenture stock not to exceed \$2,000,000. Interest not to be included.
7. In case, without any meeting of the bondholders as is hereinbefore provided for, two-thirds or more in value of the bondholders shall by a memorandum in writing under their hands agree with each other and with the company, that the bonds shall be exchanged for debenture stock, such agreement shall be binding on all the bondholders, whether signatories of the said memorandum or not, and whether dissenting or not, and on any transferee or subsequent holder of any bond, and in such case the same thing shall be done and the same results shall follow, *mutatis mutandis*, as are hereinbefore provided in the case of a resolution for such exchange. Agreement by two-thirds in value of bondholders with company to bind all bondholders.

Acceptance of debenture stock by two-thirds in value of bondholders to bind all bondholders in same manner as an agreement.

8. In case, without any meeting of the bondholders, such as is hereinbefore provided for and without any agreement by memorandum in writing of the bondholders such as is hereinbefore provided for, two-thirds or more in value of the bondholders shall exchange bonds held by them for debenture stock in the manner mentioned in the sixth section, such exchange shall be binding on all the bondholders, whether they have made such exchange or not, and whether dissenting or not and on any transferee or subsequent holder of any bond, and in such case the same things shall be done and the same result shall follow, *mutatis mutandis*, as are hereinbefore provided in the case of a resolution for such exchange (a).

Company to have all necessary powers.

9. The company shall have all the powers necessary for the issue and exchange of the debenture stock authorized by this Act, and for the carrying out of the objects of this Act in respect thereof. Such stock shall not be transferable in amounts less than £10 (b) sterling, and no transfer shall include any fractional part of £1 sterling.

Debenture stock to have same preference as bonds have.

10. The debenture stock shall be and stand as the bonds now stand, namely:—it shall, without registration in any city or county registry office, or formal conveyance, be a first mortgage and charge upon the Toronto, Grey, and Bruce Railway, and upon all and every the undertaking, and upon the real and personal property of the company, including the rolling stock and equipments, and whether such property be existing at the date of the exchange or be thereafter acquired, and upon the franchise of the company.

Interest on debenture stock.

11. Interest shall be payable on the debenture stock half-yearly at the rate of five per cent. per annum, from the first day of January, one thousand eight hundred and eighty-one.

Company only to pay higher rate of interest under authority from the Lieutenant-Governor.

12. In case the company purposes to pay interest on the debenture stock in any year prior to the first of January one thousand eight hundred and eighty-three, at any rate greater than three per cent. per annum, or in any year after the said last mentioned date at any rate greater than four per cent. per annum, it shall notify such its intention

(a) Registers of debenture stock to be kept. See 44 V. c. 74, s. 2, p. 49.—Registration of transfers. See *Ib.* s. 6, p. 50.

(b) The stock shall not be transferable in amounts less than £100 stg., and no transfer shall include any fractional part of £10 stg. 44 V. c. 74, s. 5, p. 50.

to the Lieutenant-Governor, who may thereupon appoint a commissioner who shall examine the railway, and its books, and affairs, and in case he determines that the earnings for the year will suffice, after providing thereout for the running expenses and the maintenance of the railroad and its equipments in good condition and working order, to provide for payment thereout of interest for the year at any rate greater than three per cent. if before the first of January, one thousand eight hundred and eighty-three, and four per cent. if thereafter, he shall report at what increased rate (not greater than five per cent.), interest can be paid after making such provisions as aforesaid out of such earnings, and the Lieutenant-Governor may thereupon order that interest be paid for the year at such increased rate, and thereupon, but not otherwise, the company shall be authorized and liable to pay interest at such increased rate for the year.

13. In case interest be not paid in any year at the rate of five per cent. per annum, the difference between the interest actually paid and interest at the rate in this section specified shall be and remain a charge on the net surplus earnings of the company in future years, after making provision thereout for running expenses, maintenance, and current interest as provided in the last preceding section of this Act, and shall be payable from time to time out of such earnings as and when the Lieutenant-Governor, upon the report of the commissioner, may order, but there shall not be any other or further liability on the part of the company or of the undertaking to pay such difference.

14. From and after the first day of January, one thousand eight hundred and eighty-two, a general meeting of the company, which may be called the semi-annual meeting, shall be held yearly on the second Wednesday of March, and at such semi-annual meeting, reports respecting the affairs of the company shall be submitted in the same manner as at the general annual meeting.

15. In case interest be not paid on the debenture stock at the rate of at least three per cent. in any year, then at the next and at all subsequent general annual or semi-annual meetings of the company, all holders of debenture stock shall have and possess the same rights and privileges, and qualifications for acting and voting as shareholders, and for directors, and of being elected as directors, as belong to ordinary shareholders, provided that their debenture stock is not in arrears, and that they are entitled to vote, etc., at meetings.

ture stock and any transfers thereof, be first registered in the same manner as is provided for the registration of ordinary shares;

Election of
directors after
default.

(2) At the annual or semi-annual meeting, which occurs first after such default, and at every annual meeting thereafter, the ordinary shareholders and registered debenture stockholders (a) present in person or by proxy shall choose nine persons qualified as ordinary shareholders, or as debenture stockholders (a) to be directors of the company in the same manner as is in that behalf provided by the Act to incorporate the company (31 Vict., cap. 40) (b) and the amending Acts, and in case such election takes place at the semi-annual meeting, at which it is by this clause authorized to be held, the directors then holding office shall thereon be superseded by the newly elected directors, who shall take the places and exercise the powers of the former directors for the residue of the term for which they were elected.

Postal bonds
and their re-
demption.

16. (c) In case under the authority of, and with the consent required by the Acts in that behalf, postal bonds be at any time issued by the company, the company may pledge towards the redemption of such bonds a sum not exceeding five thousand dollars per annum of the general net earnings of the company apart from those specially appropriated for such postal bonds by the Acts in that behalf, and such pledge shall create a lien on the said earnings in priority to the interest of the first mortgage bonds or perpetual debenture stock; and the amount so pledged together with so much as shall remain, after payment thereof of interest on the outstanding postal bonds, of the earnings, so as aforesaid specially appropriated shall be applied in each year after one thousand eight hundred and eighty-three, in the payment of the principal of so many postal bonds as can be paid thereout, such bonds to be drawn yearly by lot, and when paid to be cancelled and not reissued.

Certain muni-
cipalities if
giving aid to
railway may
elect a direc-
tor.

17. The several township, town and village municipalities lying upon or near the said railway, or interested in the said undertaking, in the counties of York, Peel, Simcoe, and in the provisional county of Dufferin, which shall aid or assist the said company under the authority of the Act 41 Vict., cap. 55, or this Act shall be together entitled to name a director of the said company as a representative of such municipalities; such director to be named by the majority of the reeves of the said municipalities present at a meeting of such reeves to be called by the secretary of the said company for a day in the week preceding the annual meeting for election of directors of the said company, and

(a) The words "preference debenture stockholders, and preference terminable bondholders" are here inserted by 44 V. c. 74, s. 12, p. 51.

(b) See 31 V. c. 40, s. 17 *et seq.*, p. 7.

(c) Repealed by 44 V. c. 74, s. 13, p. 52.

to be held at the said company's general office in Toronto; and each of the said reeves shall have one vote for every one thousand dollars of bonus granted by the municipality or portion of the municipality which he represents;

(2) The several township, town, and village municipalities lying on or near to or interested in the western section of the said railway in the counties of Wellington, Huron, and Bruce, and the townships of Egremont and Normanby, which shall aid or assist the said company under the authority of the said Act (41 Vict., cap. 55), or this Act, shall be together entitled to name a director in the said company as the representative of such municipalities, such director to be appointed in the same manner as is provided in this section;

(3) Each director so appointed shall be in addition to all shareholders' directors in the said company, and shall not be required to be a shareholder in the said company, and shall continue in office as a director in the said company until his successor shall be appointed.

18. The said company may receive from any government, Aid to com- or from any persons or bodies corporate municipal or politic, pany. who may have power to make or grant the same, aid towards the change of gauge, construction, re-construction, equipment, or maintenance of the said railway, by way of bonus, gift, or loan, in money or debentures, or other securities for money, or by way of guarantee, upon such terms and conditions as agreed upon.

19. Any municipality or any portion of a township muni- Aid from mu- cipality, which may be interested in securing the change of nicipalities. gauge or construction or re-construction of the said railway, or through any part of which or near which, the railway or works of the said company shall pass, or be situate, may aid the said company by giving money or debentures, by way of bonus, gift, or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained: (a) Provided always that no such aid Proviso. shall be given except after the passing of a by-law for the purpose and the adoption of such by-law by the qualified ratepayers of the municipality, or portion of municipality (as the case may be), as provided in the Municipal Act for Proviso. the creation of debts; (b) and provided also that all powers to

(a) Agreements as to expenditure of bonus. See s. 36, p. 46.

(b) See 43 V. c. 27, s. 16, p. 144.

group (a) municipalities, or a municipality or municipalities, with a part of a municipality, or parts of municipalities, in voting upon by-laws hereafter granting municipal aid, contained in any Act or Acts heretofore passed relating to said railway, are hereby declared to be inoperative.

Provisions as
to bonus by-
laws.

20. Such by-laws shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely :—

(1) The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount; and the council shall, within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters;

(2) In the case of a county municipality, the petition shall be that of a majority of the reeves and deputy-reeves, or of fifty resident freeholders in each of the minor municipalities of the county who are qualified voters under the Municipal Act.

(3) In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters as aforesaid;

(4) In the case of the section of a township municipality, the petition is to be presented to the council, defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

Provisions for
referring to
arbitration
disputes as to
bonus by-
laws.

21. In case of aid from a county municipality fifty resident freeholders of the county may petition the county council against submitting the said by-law upon the ground that certain minor municipalities or portions thereof comprised in the said by-law would be injuriously affected thereby, or upon any other ground ought not to be included therein, and upon deposit by the petitioners with the treasurer of the county of a sum sufficient to defray the expense of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being

the judge of the county court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the commissioner of the department of public works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof therefrom; and the decision of any two of them shall be final; and the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended then by the railway company or the county, as the arbitrators may order.

22. Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

23. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township, or incorporated village situate in the county municipality.

24. All municipalities or portions thereof interested in the change of gauge, construction, re-construction, equipment, or maintenance of the road of the said company, may grant aid by way of bonus to the said company, towards the change of gauge, construction, re-construction, equipment or maintenance of such road, notwithstanding that such aid may increase the municipal taxation of such municipalities or portions thereof, beyond what is allowed by law; provided that such aid shall not require the levy of a greater aggregate annual rate for all purposes exclusive of school rates than three cents in the dollar upon the value of the ratable property therein.

25. Such by-law shall in each instance provide:—

By-law, what to contain.

(1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be) mentioned in the petition by the issue of debentures of the county or minor municipality respectively, and shall also provide for the delivery of the said debentures or the application of the amount to be raised thereby, as may be expressed in the said by-law;

(2) For assessing and levying upon all ratable property lying within the municipality or portion of the township municipality defined in said by-law (as the case may be), an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, warden, mayors, reeves, and other officers thereof, are hereby authorized to execute and issue in such cases respectively.

If by-law carried, council to pass same; **26.** In case the by-law submitted be approved of or carried by a majority of the votes given thereon, then within four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time and pass the same (a).

and issue debentures. **27.** Within one month after the passing of such by-law, the said council and the warden, reeve, or other officers thereof, shall issue or dispose of the debentures necessary to raise the sum mentioned in such by-law, and otherwise act according to the terms thereof.

Exchange of debentures. **28.** The corporation of any county municipality shall be at liberty to take the debentures issued by any township in aid of the railway company, and give in exchange therefor to the said township a like amount of debentures of the said county on a resolution to that effect being passed by the county council, but the township municipality shall in each case keep the county municipality fully indemnified against any rate or liability in respect of said debentures.

Trustees of debentures. **29.** Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall, within six weeks after passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the province of Ontario: Provided, that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in council shall omit to name

Proviso.

(a) Confirmation of by-laws and debentures issued thereunder. See 44 V. c. 74, s. 15, p. 53.

such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in council; and in case any trustee dies or resigns his trust, or goes to live out of Ontario or otherwise becomes incapable to act his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in council.

30. The said trustees shall receive the said debentures ^{Trusts of de-} or bonds in trust: Firstly, under the directions of the ^{bentures.} company, but subject to the conditions of the by-law in relation thereto, as to time or manner, to convert the same into money or otherwise dispose of them: Secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the province of Ontario, in the name of the "Toronto, Grey, and Bruce Railway Municipal Trust Account," and to pay the same out to the said company from time to time as the said company become entitled thereto under the conditions of the by-law granting the said bonus and on the certificate of the chief engineer of the said railway for the time being, which certificate shall set forth, that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payments, or delivery of debentures, and such engineer shall not wrongfully grant any such certificate, under a penalty of five hundred dollars, recoverable in any court of competent jurisdiction by any person who may sue therefor.

31. The trustees shall be entitled to their reasonable fees ^{Fees to trus-} and charges from said trust fund; and the act of any two ^{tees.} of such trustees shall be as valid and binding as if the three had agreed.

32. Any municipality through which the said railway ^{Municipali-} may pass is empowered to grant by way of gift to the said ^{ties author-} company any lands belonging to such municipality which ^{ized to grant} may be required for right of way, station grounds, or other ^{land.} purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any Government or any person or body, politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

Exemption
from, or agree-
ment as to
taxes.

33. It shall further be lawful for the council of any municipality, in which any part of the railway of the company is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation or to agree to a certain sum per annum or otherwise in gross or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation and for such term of years as such municipal corporation may deem expedient not exceeding twenty-one years; and any such by-law shall not be repealed unless in conformity with a condition contained therein.

Extension of
time for com-
pletion.

34. It shall and may be lawful for the council of any municipality that may grant, or may have granted, a bonus to the company (and they shall have full power) to extend the time for completion of the works, on the completion of which the said company would be entitled to such bonus.

Extension of
time for com-
mencement.

35. The councils of all corporations that, or any portion of which, have heretofore granted, or may hereafter grant aid by way of bonus to the said company, may, by resolution or by-law extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid, from time to time: Provided, that no such extension shall be for a longer period than one year.

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Agreements
as to expendi-
ture of bonus.

36. Whenever any municipality, or portion of a municipality, shall aid, loan, guarantee, or give money or bonds, by way of bonus, to aid the making, equipment, and completion of said road (extension and branches), or any part or parts thereof, it shall be lawful for the said company to enter into a valid agreement with any such municipality, binding the said company to expend the whole of such aid so given upon works of construction within the limit of the municipality granting the same.

Power to con-
struct branch
to Wingham.

37. The company shall have power to construct a branch of their railway from some point in the township of Turnberry, to the town of Wingham, provided the same be commenced within two years and completed within five years after the passing of this Act, and sections numbers

eighteen to thirty-six inclusive, shall apply to this branch: Provided always that before the said company shall have ^{Proviso.} or exercise any of the powers granted by or contained in this section, they shall give to the municipalities of the township of Culross and the village of Teeswater, a bond in the form set forth in Schedule A to this Act, and the damages or sum, if any, at any time hereafter recovered against the said company under such bond shall be a lien and charge upon the whole of the said railway and upon the rolling stock and equipment thereof, and shall rank equal in priority with the first mortgage debentures or bonds of the said company or the debenture stock, in case the said debentures or bonds are converted into debenture stock under the provisions of this Act: Provided further ^{Proviso.} that nothing in this section shall affect the agreements made between the said company and any municipality.

38. The said company shall have power to sell, free from ^{Sale of sur-} any lien or incumbrance whatsoever created by them by ^{plus land.} virtue of this or any other Act relating to the company, any lands acquired by them which shall cease to be required for the use of their railway or their works.

SCHEDULE A.

(Section 37.)

Know all men that We the Toronto, Grey, and Bruce Railway Company are held and firmly bound unto the municipalities of the township of Culross and the village of Teeswater jointly and severally, in the sum of forty-three thousand dollars, that is to say, to the township of Culross in the sum of thirty-eight thousand dollars, and to the village of Teeswater in the sum of five thousand dollars liquidated damages and not by way of a penalty.

Sealed with our seal, and dated this _____ day of _____
A.D.

Now the condition of the above written bond or obligation is such, that if the Toronto, Grey and Bruce Railway Company continue to run daily trains on their present line of railway to Teeswater as heretofore, accidents and reasonable temporary delays excepted, with the same accommodation for passengers and freight as heretofore supplied, then this obligation shall be void and of no effect, otherwise the same shall remain in full force and virtue.

44 VICT., CAP. 74.**An Act to amend the several Acts relating to the
Toronto, Grey, and Bruce Railway Company.***[Assented to 4th March, 1881.]***Preamble.**

WHEREAS the Toronto, Grey, and Bruce Railway Company have by their petition prayed for certain amendments to their several Acts and for power to create a preferential issue of bonds or debenture stock, to re-arrange their bonded debt, and for authority to enter into an arrangement with another railway company for the working of their railway and for other purposes, and it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Issue of preference debenture stock or preference terminable bonds authorized.

1. The said company may, with the consent of two-thirds in value of those holders of the terminable bonds or debenture stock of the said company heretofore issued, present in person or represented by proxy, at a meeting to be specially called for that purpose, in the same manner as provided for by subsections one and two of section one of the Act passed in the forty-third year of Her Majesty's reign, and chaptered sixty-six, issue a preference perpetual debenture stock, hereinafter called preference debenture stock, or preference terminable bonds, for an amount not exceeding one million of dollars, and may make the interest on such preference debenture stock or preference terminable bonds, payable in London, England, or elsewhere, as the company may think expedient; the said preference debenture stock or preference terminable bonds to bear interest at such rate or rates as the company may determine, not exceeding five per centum per annum, payable half-yearly, and the company may make the preference terminable bonds for such amounts not less than one hundred pounds each, and payable at such dates and places as they may deem advisable, and such preference debenture stock and preference terminable bonds shall, without registration in any city or county registry office or

formal conveyance, be a first mortgage and charge, prior to all other charges thereon, upon the Toronto, Grey, and Bruce Railway and upon all and every the undertaking, and upon the real property of the company, and the rolling stock and equipments then existing, and at any time thereafter acquired, and upon the franchises of the company, and each holder of the said preference debenture stock and preference terminable bonds, or either of them, shall be deemed to be a mortgagee and incumbrancer *pro rata* with all other holders thereof upon the aforesaid undertaking and property of the company, and the franchises of the company as aforesaid, ranking equally with the other, notwithstanding any difference in date of issue, in priority to all other charges and incumbrances, including all bonds or debenture stock heretofore issued or authorized.

2. Such preference debenture stock and the debenture stock authorized under the Act passed in the forty-third year of Her Majesty's reign, and chaptered sixty-six, which from time to time shall be created, shall be entered by the company in separate registers, to be kept for that purpose at their office in Toronto, wherein they shall enter the names and addresses of the several persons and corporations, from time to time, entitled to either of such preference debenture stock or debenture stock, as the case may be, with the respective amounts of the stock to which they are respectively entitled, and the said company may also open registers for the same purpose in Great Britain.

Company to keep registers of debenture stock;

3. The company shall deliver to every holder a certificate stating the amount of preference debenture stock or debenture stock, held by him, as the case may be, and all regulations or provisions for the time being applicable to certificates of ordinary shares of the capital of the company and transfer of such shares, shall apply *mutatis mutandis* to certificates and transfers of the preference debenture stock, or debenture stock, subject to the provisions of this Act: Provided the company shall not be bound to accept any such transfer, nor shall any such transfer be effectual unless and until the scrip or certificate before issued for the preference debenture stock, or debenture stock proposed to be transferred, be delivered up to be cancelled, or such delivery and cancellation dispensed with by the company, and a new certificate or certificates issued in lieu thereof.

And give certificates to holders of such stock.
Proviso.

Company may appoint an agent in England with power to keep books of transfer, etc.

4. The directors of the company may, subject to the rules and regulations from time to time of the board, appoint an agent in the city of London England, with power to pay dividends, to open and keep books of transfer and registers for the shares of the capital-stock of the company, and also keep books of transfer and registers for the preference debenture stock and debenture stock of the company, and for the issue of scrip and stock certificates, and thereupon the registry of any shares, preference debenture stock or debenture stock, may be transferred from the office of the said company in Toronto, to the London office, and there registered in the name of the holder; and transfers of such shares, preference debenture stock, and debenture stock may then be made in the same manner as shares and debenture stocks may be transferred in the former office, and such shares or any of them or debenture stock may be re-transferred to the office in Toronto; and the agent or agents, or other officer or officers in London, shall transmit an accurate list of all such transfers and scrip certificates so issued to the secretary or other officer of the company in Toronto, who shall thereupon make the requisite entries respecting such transfer, transfers and scrip certificate and certificates in the registers kept in this province, and thereupon the same shall be binding on the company as to all the rights and privileges of shareholders and preference debenture stock-holders and debenture stock-holders, as though the scrip certificates had been issued by the secretary of the company in Toronto.

43 Vic. c. 66,
s. 9, amended.

5. The said preference debenture stock or other debenture stock respectively, shall not be transferable in amounts less than one hundred pounds sterling, and no transfer shall include any fractional part of ten pounds sterling; and section nine of the Act passed in the forty-third year of Her Majesty's reign, and chaptered sixty-six, is hereby amended accordingly.

Where transfers of debenture stock may be registered,

6. All transfers of all classes of debenture stock of the company may be registered at the office of the company at Toronto, in Canada, or in any office of the company which may be established in Great Britain, and at both of such places.

Directors may make regulations for facilitating transfers of stock, etc.

7. The directors may, from time to time, make such regulations as they may think fit for facilitating the transfer and registration of shares of the capital stock, preference debenture stock and debenture stock, and the forms in

respect thereof, as well in this Province as elsewhere, and as to the closing of the registers and transfer books for the purpose of dividends as they may find expedient, and all such regulations not being inconsistent with this Act, and with the Ontario Railway Act as altered or modified by this Act, shall be valid and binding.

8. The said company shall have all the powers necessary for the issue of the said preference debenture stock or terminable bonds authorized by this Act, and for carrying out the objects of this Act in respect thereof.

Company to have all necessary powers for issue of preference stock, etc.

9. The said preference debenture stock, preference terminable bonds, and all other debenture stock and bonds issued or to be issued by the said railway company, shall be deemed to be and are hereby declared to be personal estate.

Debenture stock, etc., to be personal estate.

10. The said company shall have the right to sell such preference debenture stock, and preference terminable bonds, at such prices as they may deem expedient, and shall also have the right to mortgage, pledge, and hypothecate the same for any advance made to the company.

Sale or mortgage of preference debenture stock and bonds authorized.

11. The money to be realized from the sale of, or raised by mortgaging, pledging, or hypothecating the said preference debenture stock and preference terminable bonds, shall be applied towards the cost of changing the gauge and reconstructing and equipping the said railway, and for such other purposes as the directors may deem expedient.

Application of moneys.

12. In case the interest be not paid on the said preference debenture stock or preference terminable bonds at the rate of at least five per cent. in any year, then at the next and at all subsequent, general, annual, or semi-annual meetings or special general meetings of the company, all holders of said preference debenture stock or preference terminable bonds shall have and possess the same rights and privileges and qualifications for acting and voting as shareholders for directors and of being elected as directors, as belong to ordinary shareholders; and sub-section two of section fifteen of the Act passed in the forty-third year of Her Majesty's reign, and chaptered sixty-six, is hereby extended by adding thereto after the words "debenture stock-holder's in the third line, and in the fifth line the words "preference debenture stock-holders and preference

If interest on preference debenture stock or bonds not paid holders thereof to have rights of shareholders.

43 Vic. c. 66, s. 15, sub-s. 2, amended.

terminable bondholders," provided that their preference debenture stock and preference terminable bonds and any transfers thereof be first registered in the same manner as is provided for in the registration of the ordinary shares.

41 Vic., c. 55,
ss. 1-6, and
43 Vic., c. 66,
s. 16 repealed.

13. And whereas no postal bonds and no second mortgage bonds have been issued under the powers conferred by the Act passed in the forty-first year of Her Majesty's reign, and chaptered fifty-five, such powers are hereby annulled, and sections one, two, three, four, five, and six of that Act, and section sixteen of the Act passed in the forty-third year of Her Majesty's reign, and chaptered sixty-six, are hereby repealed.

Agreements
with other
companies.

14. The said company may enter into any agreement with any other railway company or companies, whether subject to the legislative authority of this province or otherwise, which is or are lawfully empowered to enter into any such agreement, for the leasing or working of the said railway, on such terms and conditions as the directors of the respective companies may agree upon, or for the construction, partial construction, or reconstruction thereof, or for leasing or hiring from such other company or companies any portion of their railway, or the use thereof, or for the leasing or hiring any locomotives, rolling stock, or other property from such companies or persons, and generally to make any agreement or agreements with any other company or companies touching the use by one or the other company or by both companies of the railway, or rolling stock of either, or both, or any part thereof, or touching any service to be rendered by one company to the other, and the compensation therefor, and such agreement shall be valid and binding according to the law and tenor thereof: Provided that assent be given thereto by at least two-thirds of the shareholders present, or represented by proxy at any meeting specially called for the purpose, according to the by-laws of the company; and the company or companies leasing or entering into any such agreement for using or working the said railway may, and are hereby authorized, to work the said railway in the same manner as if incorporated with their own railway, and with the same rights, powers, and privileges as they possess in respect thereof: And provided this section shall not be construed as conferring power upon any other company to enter into agreements as aforesaid, unless such company has such power under the Act of incorporation

Proviso.

Proviso.

or other Acts relating to such company: And provided ^{Proviso.} also, that this section shall not be construed as authorizing, and the said company shall not enter into, an agreement as aforesaid with the Northern Railway Company of Canada, or with the Hamilton and North Western Railway Company, or Great Western Railway Company, unless with the consent of the Lieutenant-Governor in Council; and before such consent shall be given by the Lieutenant-Governor in council the municipalities which have granted bonuses in aid of the Toronto, Grey, and Bruce Railway Company shall be notified.

15. All by-laws passed by any municipality, for the purpose of aiding the said Toronto, Grey, and Bruce Railway Company under the provisions of the Act passed in the forty-third year of Her Majesty's reign, chaptered sixty-six, and all debentures issued, or to be issued, under such by-law or by-laws, shall be, and are hereby declared, legal and valid: ^{By-laws aiding company confirmed.} Provided such by-law or by-laws have been ^{Proviso.} carried by a majority of the legally qualified ratepayers, who have voted thereon.

STATUTES

RELATING TO

RAILWAYS IN THE PROVINCE OF ONTARIO.

REVISED STATUTES OF ONTARIO,

CAP. 165.

An Act respecting Railways.

PART FIRST.

Short Title, s. 1	President and Directors—their
Interpretation, s. 2, 3,	Election and Duties, s. 26.
Application of Act ss. 4-7.	Calls on Stock, s. 27.
Incorporation of Companies, s. 8.	Dividends, s. 28.
Powers, s. 9.	Shares and their Transfer, s. 29.
Plans and Surveys, s. 10.	Shareholders, s. 30.
Taking of Lands and their Valua- tion, ss. 11-20.	Municipalities taking Stock, s. 31.
Highways and Bridges, s. 21.	By-laws, Notices, s. 32.
Fences, s. 22.	Working of the Railway, s. 33.
Tolls, s. 23.	Actions for Indemnity ; and Fines, and Penalties, ss. 34, 35.
General Meetings, s. 24, 25.	General Provisions, s. 36.

PART SECOND.

Application of Sections, ss. 37, 38.	Appointment of Constables, ss.
Proceedings where additional space required, ss. 39-42.	73-78.
Inspection of Railways, &c., ss. 43-67.	General Provisions, ss. 79-100.
Railway Inspection Fund, s. 68.	Interest or Rent, when deemed working expenses, s. 101.
Traffic Arrangements, ss. 69-72.	Penal Clauses, p. 117.

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows :

SHORT TITLE (a).

Short title. **1.** This Act may be cited as "*The Railway Act of Ontario.*"

(a) Incorporated into the Toronto, Grey, and Bruce Railway Act, 31 V.
c. 40, s. 2, p. 2.

INTERPRETATION (a).

2. In the construction of this Act the following words and expressions shall have the meanings hereby assigned to them, unless there is something in the subject or context repugnant to such construction that is to say:—

(1) "The Special Act" shall be construed to mean any Act authorizing the construction of a railway, and with which this Act is incorporated, ^{Interpretation of words.}

(2) "Prescribed," used in this Act in reference to any matter herein stated, shall be construed to refer to such matter as the same is prescribed or provided for in the Special Act; and the sentence in which such word occurs shall be construed as if, instead of the word "prescribed," the expression "prescribed for that purpose in the Special Act" had been used; ^{"Prescribed."}

(3) "The Lands" shall mean the lands which by the Special Act are authorized to be taken or used for the purpose thereof, ^{"The lands."}

4. "The Undertaking" shall mean the railway and works of whatever description, by the Special Act authorized to be executed. ^{"The undertaking."} C. S. C. c. 66, s. 7 (1-4).

3. The following words and expressions, both in this and the Special Act, shall have the meanings hereby assigned to them, unless there is something in the subject or context repugnant to such construction, that is to say: ^{Interpretation of words in this Act and in Special Acts.}

(1.) "Lands" shall include all real estate, messuages, lands, tenements, and hereditaments of any tenure; ^{"Land."}

(2.) "Lease" shall include any agreement for a lease; ^{"Lease."}

(3.) "Toll" shall include any rate or charge or other payment payable under this Act or the Special Act for any passenger, animal, carriage, goods, merchandize, articles, matters, or things conveyed on the Railway; ^{"Toll."}

(4.) "Goods" shall include things of every kind conveyed upon the Railway, or upon steam or other vessels connected therewith; ^{"Goods."}

(a) Incorporated into The Toronto, Grey, and Bruce Railway Act. 31 V. c. 40, s. 2, p. 2.

- “County.” (5.) “County” shall include any union of Counties, County, Riding, or like division of a County in the Province ;
- “Highways.” (6.) “Highways” shall mean all public roads, streets, lanes, and other public ways and communications ;
- “Sheriff.” (7.) “Sheriff” shall include Under Sheriff, or other legal competent Deputy ; and where any matter in relation to any lands is required to be done by any Sheriff or Clerk of the Peace, the expression “the Sheriff,” or the expression “Clerk of the Peace,” shall in such case be construed to mean the Sheriff or Clerk of the Peace of the District, County, Riding, Division, or place where such lands are situate ; and if the lands in question, being the property of one and the same party, are situate not wholly in one District, County, Riding, Division, or place, the same expression shall be construed to mean the Sheriff or Clerk of the Peace of any such District, County, Riding, Division, or place where any part of such lands are situate ;
- “Justice.” (8.) “Justice” shall mean Justice of the Peace acting for the District, County, Riding, Division, City, or place where the matter requiring the cognizance of a Justice arises, and who is not interested in the matter ; and where the matter arises in respect of lands being the property of one and the same party, situate not wholly in any one District, County, Riding, Division, City, or place, the word “Justice” shall mean a Justice acting for the District, County, Riding, Division, City, or place where any part of such lands are situate, and who is not interested in such matter ;
- “Owner.” (9.) “Owner,” (where, under the provisions of this Act or the Special Act, any notice is required to be given to the owner of any lands, or where any act is authorized or required to be done with the consent of any such owner) shall be understood to mean any corporation or person who, under the provisions of this Act, or the Special Act, or any Act incorporated therewith, would be enabled to sell and convey lands to the Company.
- “The Company.” (10.) “The Company” shall mean the Company or party authorized by the Special Act to construct the Railway ;
- “The Railway.” (11.) “The Railway” shall mean the Railway and works by the Special Act authorized to be constructed ;

(12.) "Clause" shall mean any separate section of this "Clause." Act, or any other Act therein referred to, distinguished by a separate number ;

(13.) "Shareholder" shall mean every subscriber to or "Shareholder of stock in the undertaking, and shall extend to and include the personal representatives of the shareholder." holder." C. S. C. c. 66, s. 7 (5-19).

APPLICATION OF ACT (a).

4. Where not otherwise expressed, this and the following sections to the thirty-sixth, inclusive, shall apply to every railway which is subject to the legislative authority of the Legislature of this Province, and has been authorized to be constructed by any Special Act of the late Province of Canada or of this Province, passed since the thirtieth day of August one thousand eight hundred and fifty-one, or is authorized to be constructed by any Special Act passed after this Act takes effect; and this Act shall be incorporated with every such Special Act; and all the clauses and provisions of this Act, unless they are expressly varied or excepted by any such Special Act, shall apply to the undertaking authorized thereby, so far as applicable to the undertaking, and shall, as well as the clauses and provisions of every other Act incorporated with such Special Act, form part of such Special Act, and be construed together therewith as forming one Act. C. S. C. c. 66, s. 2.

5. Every Special Railway Act shall be a Public Act (b), and for the purpose of incorporating this Act or any of its provisions with a Special Act, it shall be sufficient in such Act to enact, that the clauses of this Act, with respect to the matter so proposed to be incorporated, referring to the same in the word or words at the head of an introductory to the enactment with respect to such matter, shall be incorporated with such Special Act, and thereupon all the clauses and provisions of this Act, with respect to the matter so incorporated, shall, save in so far as they are expressly varied or excepted by such Special Act, form part thereof, and such Special Act shall be construed as if the substance of such clauses and provisions were set forth therein with reference to the matter to which such Special Act relates. C. S. C. c. 66, s. 123 and 3.

(a) Incorporated with the Toronto, Grey, and Bruce Railway Act, 31 V. c. 40, s. 2, p. 2.

(b) In C. S. C. this part of the section was under "19. General Provisions," C. S. C. c. 66, s. 123.

Power to construct railway &c., to be exercised subject to provisions of this Act.

Compensation to be made for lands damaged.

6. The power given by the special Act to construct the Railway, and to take and use lands for that purpose, shall be exercised subject to the provisions and restrictions contained in this Act. C. S. C. c. 66, s. 4.

7. For the value of lands taken and for all damages to lands injuriously affected by the construction of the Railway in the exercise of the powers by this or the Special Act, or any Act incorporated therewith, vested in the Company, compensation shall be made to the owners and occupiers of, and to all other persons interested in any lands so taken or injuriously affected. C. S. C. c. 66, s. 5.

How compensation to be determined.

2. Unless otherwise specially provided by this Act or the Special Act, the amount of such compensation shall be ascertained and determined in the manner provided by this Act. C. S. C. c. 66, s. 6.

INCORPORATION (a).

Companies established under Special Acts, declared to be bodies corporate, &c.

8. Every company established under any Special Act, shall be a body corporate under the name declared in the Special Act, and shall be invested with all such powers, privileges, and immunities as are necessary to carry into effect the intentions and objects of this Act and of the Special Act therefor, and are incident to such corporation,

or are expressed or included in "*The Interpretation Act*." Rev. Stat. c. 1, s. 8 (24).

(b) C. S. C. c. 66, s. 8.

POWERS (c).

Powers :

9. The Company shall have power and authority—

To receive grants of land &c.

1. To receive, hold, and take all voluntary grants and donations of land or other property made to it, to aid in the construction, maintenance, and accommodation of the railway, but the same shall be held and used for the purpose of such grants or donations only ; C. S. C. c. 66, s. 9 (1.)

(a) Incorporated into the Toronto, Grey, and Bruce Railway Act, 31 V. c. 40, s. 2, p. 2.

(b) R. S. O. c. 1, s. 8, (24).

(c) Incorporated into the Toronto, Grey, and Bruce Railway Act, 31 V. c. 40, s. 2, p. 2.

2. To purchase, hold, and take of any corporation or Purchase person any land or other property necessary for the con-land;
struction, maintenance, accommodation, and use of the
railway, and also to alienate, sell, or dispose of the same;
C. S. C. c. 66, s. 9 (2.)

3. No Railway Company heretofore or hereafter author- Occupy pub-
ized to be constructed, shall take possession of, use, or lic lands,
occupy any lands vested in the Province, without the con- beaches, &c.
sent of the Lieutenant-Governor in Council; but with such
consent any such company may take and appropriate for
the use of their railway and works, but not alienate, so
much of the wild lands of the Crown lying on the route
of the railway as have not been granted or sold, and as
may be necessary for such railway, as also so much of the
public beach or of the land covered with the waters of any
lake, river, stream, or canal, or of their respective beds, as
is necessary for making and completing and using their
said railway and works, but nothing in this sub-section
contained shall apply to or effect the thirty-first paragraph
of the eleventh section of chapter sixty-six of the Consol-
idate Statutes of Canada; C. S. C. c. 66, s. 9 (3) & 133. (a)

[C. S. C. c. 66, s. 11 (31), is as follows :

(31.) Whenever it is necessary for the Company to occupy any part of As to lands
the lands belonging to the Queen, reserved for naval or military purposes, belonging to
they shall first apply for and obtain the license or consent of Her Majesty, Her Majesty,
under the hand and seal of the Governor, and having obtained such license &c.
and consent, they may at any time or times enter into and enjoy any of
the said lands for the purposes of the railway; but in the case of any
such naval or military reserves, no such license or consent shall be given
except upon a report first made thereupon by the naval or military See C. S. C. c.
authorities in which such lands are, for the time being, vested, approving 66, s. 139.
of such license and consent being so given as aforesaid. 14, 15, V. c. 51,
s. 11.] (b)

4. To make, carry, or place the railway across or Carry railway
upon the lands of any corporation or person on the line of across lands
the railway, or within the distance from such line stated of corpor-
in the Special Act, although through error or other cause, others;
the name of such party has not been entered in the book
of reference hereinafter mentioned, or although some other
party has been erroneously mentioned as the owner of or
entitled to convey, or is interested in such lands. C. S. C.
c. 66, s. 9 (4).

(a) In C. S. C. this section was under "General Provisions for all Rail-
ways" "21. Lands and their valuation." C. S. C. c. 66, s. 133.

(b) In C. S. C. this section was under "6. Lands and their Valuation."
C. S. C. c. 66, s. 11, sub-s. 31.

And across or
along streams
&c. ;

5. To construct, maintain, and work the railway across, along or upon any stream of water, water-course, canal highway, or railway which it intersects or touches ; but the stream, water course, highway, canal, or railway so intersected or touched, shall be restored by the company to its former state, or to such state as not to impair its usefulness ; but this shall not authorize the obstruction of the navigation of any navigable water ; C. S. C. c. 66, s. 9 (5).

Complete
railway with
one or more
tracks, &c. ;

6. To make, complete, alter, and keep in repair the railway with one or more sets of rails or tracts to be worked by the force and power of steam, or of the atmosphere, or of animals, or by mechanical power, or by any combination of them ; C. S. C. c. 66, s. 9 (6).

Erect neces-
sary build-
ings, wharves,
&c.

7. To erect and maintain all necessary and convenient buildings, stations, depots, wharves, and fixtures, and from time to time to alter, repair, or enlarge the same, and to purchase and acquire stationary or locomotive engines and carriages, waggons, floats and other machinery and contrivances necessary for the accommodation and use of the passengers, freight, and business of the railway ; C. S. C. c. 66, s. 9 (7).

Branch rail-
ways ;

8. To make branch railways, if required and provided by the Special Act, and to manage the same, and for that purpose to exercise all the powers, privileges, and authorities necessary therefor, in as full and ample a manner as for the railway ; C. S. C. c. 66, s. 9 (8).

All other mat-
ters and
things neces-
sary for rail-
way.

9. To construct, erect, and make all other matters and things necessary and convenient for the making, extending and using of the railway, in pursuance of and according to the meaning and intent of this Act, and of the Special Act ; C. S. C. c. 66, s. 9 (9).

Convey per-
sons and goods
on railway ;

10. To take, transport, carry and convey persons and goods on the railway, to regulate the time and manner in which the same shall be transported, and the tolls and compensation to be paid therefor, and to receive such tolls and compensation ; C. S. C. c. 66, s. 9 (10).

Borrow mo-
ney, &c.

11. To borrow, from time to time, either in this Province or elsewhere, such sums of money as may be expedient for completing, maintaining, and working the railway, and at a rate of interest authorized by the laws of Canada, but

not exceeding eight per cent. per annum, and to make the bonds, debentures, or other securities granted for the sums so borrowed, payable either in currency or in sterling, and at such place or places within this Province or without as may be deemed advisable, and to sell the same at such prices or discount as may be deemed expedient, or be necessary, and to hypothecate, mortgage, or pledge the lands, tolls, revenues, and other property of the company for the due payment of the said sums and the interest thereon, but no such debenture shall be for a less sum than one hundred dollars; C. S. C. c. 66, s. 9 (11.)

12. To enter into and upon any lands of Her Majesty, ^{Enter upon Her Majesty's lands, &c.} the property of this Province, without previous license therefor, or into and upon the lands of any corporation or person whatsoever lying in the intended route or line of the railway; C. S. C. c. 66, s. 9 (12.)

13. To make surveys, examinations, or other necessary ^{Make surveys} arrangements on such lands necessary for fixing the site of ^{of lands;} the railway, and to set out and ascertain such parts of the lands as are necessary and proper for the railway; C. S. C. c. 66, s. 9 (13.)

14. To fell or remove any trees standing in any woods, ^{Remove trees.} lands, or forests, where the railway passes, to the distance of six rods from either side thereof; C. S. C. c. 66, s. 9 (14.)

15. To cross, intersect, join, and unite the railway with ^{Unite with other rail-ways.} any other railway at any point on its route, and upon the lands of such other railway, with the necessary conveniences for the purposes of such connection; and the owners of both railways may unite in forming such intersection, and grant the facilities therefor; and in case of disagreement upon the amount of compensation (a) to be made therefor, or upon the point or manner of such crossing and connection, the same shall be determined by arbitrators to be appointed by a Judge of one of the Superior Courts of this Province; C. S. C. c. 66, s. 9 (15.)

(a) The provisions for the ascertainment of compensation shall not extend or apply to any railway incorporated under an Act of the Legislature of Ontario in any case in which it is proposed that such railway shall cross, intersect, join or unite with, or be crossed, intersected, joined or united with a railway under the legislative control of Canada. See 42 V. c. 27, s. 1, p. 141.

But not without application to the Commissioner of Public Works.

16. No railway company shall avail itself of any of the powers contained in the last sub-section without application to the commissioner of public works, of which application notice in writing shall be given to any other railway affected, by sending the same by mail, or otherwise, to the address of the president, superintendent, managing director or secretary of any such railway company, for approval of the mode of crossing, union or intersection proposed; and when such approval has been obtained, it shall be lawful for either railway, in case of disagreement as to the amount to be paid for compensation, (a) to proceed for such compensation as provided in the said sub-section; but this sub-section shall not apply to anything done before the thirtieth of June, 1858: C. S. C. c. 66, ss. 130, 132; 37 V. c. 36, s. 1 (b).

Any railway company may construct branch railways, on certain conditions.

17. Any railway company heretofore or hereafter incorporated may construct a branch or branches not exceeding six miles in length from any terminus or station of the railway of such company, whenever a by-law sanctioning the same has been passed by the municipal council of the municipality within the limits of which such proposed branch is situate, and no such branch shall, as to the quality and construction of the road, be subject to any of the restrictions contained in the Special Act of incorporation of such company or in this Act, nor shall anything in either of the said Acts authorize any company to take for such branch any lands belonging to any party without the consent of such party first obtained. C. S. C. c. 66, s. 128 (c).

Changes may be made in the line of a railway at any time for certain purposes.

18. Any railway company heretofore or hereafter incorporated, which desires at any time to change the location of its line of railway in any particular part for the purpose of lessening a curve, reducing a gradient, or otherwise benefiting such line of railway, or for any other purpose of public advantage, may make such change; and all the clauses of this Act shall refer as fully to the part of any such line of railway so at any time changed or proposed to be changed as to the original line; but no railway company shall have any right to extend its line of railway

(a) See note (a) to sub-s. 15, p. 61.

(b) In C. S. C. this and the two following sub-sections were contained under "General provisions for all railways." "20. Powers." See C. S. C. c. 66, ss. 130, 128, 129, 132.

(c) See last note.

beyond the termini mentioned in the Act incorporating such company; but this sub-section shall not apply to anything done before the 30th of June, 1858; C. S. C. c. 66, ss. 129 and 132 (a).

PLANS AND SURVEYS (b).

10. Plans and surveys shall be made and corrected as follows; Provision respecting surveys & levels.

1. Surveys and levels shall be taken and made of the lands through which the railway is to pass, together with a map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefore, so far as then ascertained, and also a book of reference for the railway, in which shall be set forth : Book of reference.

(a) A general description of the said lands.

(b) The names of the owners and occupiers thereof, so far as they can be ascertained; and

(c) Everything necessary for the right understanding of such map or plan; C. S. C. c. 66, s. 10 (1).

2. The map or plan and book of reference shall be examined and certified by the commissioner of crown lands or his deputies who shall deposit copies thereof in the office of the clerks of the peace in the districts or counties through which the railway passes, and also in the office of the provincial secretary, and shall also deliver one copy thereof to the said company; C. S. C. c. 66, s. 10 (2); 23 V. c. 2, s. 4. By whom certified.

3. Any person may resort to such copies, and make extracts or copies thereof, as occasion requires, paying to the provincial secretary, or to the clerks of the peace, at the rate of ten cents for every hundred words; C. S. C. c. 66, s. 10 (3). Copies.

4. The triplicates of such map or plan and book of reference so certified, or a true copy thereof certified by the Evidence.

(a) See note (b) to sub-s. 16, p. 62.

(b) Incorporated into the Toronto, Grey, and Bruce Railway Act, 31 V. c. 40, s. 2, p. 2.

provincial secretary, or by the clerks of the peace, shall be good evidence in any court of law and elsewhere; C. S. C. c. 66, s. 10 (4).

Omissions
how reme-
died.

5. Any omission, mis-statement, or erroneous description of such lands or of the owners or occupiers thereof, in any map or plan or book of reference, may, after giving ten days' notice to the owners of such lands, be corrected by two justices on application made to them for that purpose, and if it appears to them that such omission, mis-statement, or erroneous description arose from mistake, the justices shall certify the same accordingly; C. S. C. c. 66, s. 10 (5).

Contents of
certificate.

6. The certificate shall state the particulars of any such omission, and the manner thereof, and shall be deposited with the clerks of the peace of the districts or counties respectively in which such lands are situate, and be kept by them along with the other documents to which they relate; and thereupon, such map or plan or book of reference shall be deemed to be corrected according to such certificate; and the company may make the railway in accordance with the certificate; C. S. C. c. 66, s. 10 (6).

Alterations
from original
survey.

7. If any alterations from the original plan or survey are intended to be made in the line or course of the railway, a plan and section in triplicate of such alterations as have been approved of by the Legislature, on the same scale and containing the same particulars as the original plan and survey, shall be deposited in the same manner as the original plan, and copies or extracts of such plan and section, so far as relate to the several districts or counties in or through which such alterations have been authorized to be made, shall be deposited with the clerks of such districts and counties; C. S. C. c. 66, s. 10 (7).

Railway not
to be pro-
ceeded with
until map,
&c., deposited.

8. Until such original map or plan and book of reference or the plans and sections of the alterations, have been so deposited, the execution of the railway, or of the part thereof affected by the alterations, as the case may be, shall not be proceeded with; C. S. C. c. 66, s. 10 (8).

Clerks of the
peace to re-
ceive copies of
original plan,
&c.

9. The clerks of the peace shall receive and retain the copies of the original plans and surveys, and copies of the plans and sections of alterations, and copies and extracts thereof respectively, and shall permit all persons interested

to inspect any of the documents aforesaid, and to make copies and extracts of and from the same, under penalty for default of four dollars; C. S. C. c. 66, s. 10 (9).

10. The copies of the maps, plans, and books of reference, or of any alteration or correction thereof, or extracts therefrom, certified by the clerk of the peace, shall be received in all courts of justice or elsewhere as good evidence of the contents thereof, and the clerk of the peace shall give such certificate to all parties interested when required; C. S. C. c. 66, s. 10 (10).

Copies certified by clerk to be good evidence in courts.

11. No deviation of more than one mile from the line of the railway or from the places assigned thereto in the said map or plan and book of reference, or plans or sections, shall be made into, through, across, under or over any part of the lands not shewn in such map or plan and book of reference or plans or sections, or within one mile of the said line and place, save in such instances as are provided for in the Special Act; C. S. C. s. 66, s. 10 (11),

Line not to deviate more than a mile.

12. The railway may be carried across or upon the lands of any person on the line, or within the distance from such line as aforesaid, although the name of such person has not been entered in the book of reference through error or any other cause, or although some other person is erroneously mentioned as the owner of or entitled to convey, or is interested in such lands; C. S. C. c. 66, s. 10 (12).

Error in the name of a person entered in a book of reference.

13. A map and profile of the completed railway and of the land taken or obtained for the use thereof, shall, within a reasonable time after completion of the undertaking, be made and filed in the office of the commissioner of public works, and like maps of the parts thereof located in different counties shall be filed in the registry offices for the counties or other registration divisions in which such parts are respectively situate; C. S. C. c. 66, s. 113 (a).

Map, &c., of railway to be filed in the office of the Commissioner of Public Works.

14. Every such map shall be drawn on such a scale and such paper as may from time to time be designated for that purpose by the commissioner of public works, and shall be certified and signed by the president or engineer of the company; C. S. C. c. 66, s. 114 (b).

On what scale and paper to be drawn.

(a) This sub-section in C. S. C. was under "19 General Provisions" C. S. C. c. 66, s. 113.

(b) This sub-section in C. S. C. was under "19 General Provisions" C. S. C. c. 66, s. 114.

LANDS AND THEIR VALUATION (a).

Extent of
lands to be
taken without
consent of
proprietor.

11. The lands which may be taken without the consent of the proprietor thereof shall not exceed thirty yards in breadth, except in places where the railway is raised more than five feet higher, or cut more than five feet deeper than the surface of the line, or where offsets are established, or where stations, depots or fixtures are intended to be erected, or goods to be delivered, and then not more than two hundred yards in length by one hundred and fifty yards in breadth, without the consent of the person authorized to convey such lands; and the places at which such extra breadth is to be taken shall be shown on the map or plan, or plans or sections, so far as the same are then ascertained, but their not being so shown shall not prevent such extra breadth from being taken, provided it be taken upon the line shown or within the distance aforesaid from such line; C. S. C. c. 66, s. 10 (13) (b).

Extent of pub-
lic beach to
be taken.

12. The extent of the public beach, or of the land covered with the waters of any river or lake in the province, taken for the railway, shall not exceed the quantity limited in the next preceding clause; C. S. C. c. 66, s. 10 (14) (c).

Corporation,
&c., may con-
vey lands.

13. All corporations and persons whatever, tenants in tail or for life, guardians, curators, executors, administrators, and all other trustees whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those whom they represent, whether infants, issue unborn, lunatics, idiots, *femes covert*, or other persons, seised, possessed of, or interested in any lands, may contract for, sell, and convey unto the company all or any part thereof. C. S. C. c. 66, s. 11 (1).

Limitation of
powers in cer-
tain cases.

2. But the powers by the preceding sub-section conferred upon rectors in possession of glebe lands, ecclesiastical and other corporations, trustees of land for church and school purposes or either, executors appointed by wills in which they are not invested with any power over the real estate of the testator, administrators of persons dying intestate, but at their death seised of real estate, shall only extend and be exercised with respect to any of such lands actually required for the use and occupation of any railway company; C. S. C. c. 66, s. 11 (1); 24 V. c. 17, s. 1.

(a) Incorporated into the Toronto, Grey, and Bruce Railway Act, 31 V. c. 40, s. 2, p. 2.

(b) This section and section 12 C. S. C. were under "5 Plans and Surveys" C. S. C. c. 66, s. 10, sub-s. 13, 14.

(c) See last note.

14. Any contract, agreement, sale, conveyance, and assurance made under the preceding section, shall be valid and effectual in law to all intents and purposes whatsoever, and shall vest in the railway company receiving the same, the fee simple in the lands in such deed described, freed, and discharged from all trusts, restrictions, and limitations whatsoever, and the corporation or person so conveying, is hereby indemnified for what he or it respectively does by virtue of or in pursuance of this Act; C. S. C. c. 66, s. 11 (1); 24 V. c. 17, s. 1.

15. The company shall not be responsible for the disposition of any purchase money for lands taken by it for its purposes, if paid to the owner of the land or into court for his benefit, as hereinafter provided; 24 V. c. 17, s. 2.

16. Any contract or agreement made by any party authorized by this Act to convey lands, and made before the deposit of the map or plan and book of reference, and before the setting out and ascertaining of the lands required for the railway, shall be binding at the price agreed upon for the same lands, if they are afterwards so set out and ascertained within one year from the date of the contract or agreement, and although such land may, in the meantime, have become the property of a third party; and possession of the land may be taken and the agreement and price may be dealt with, as if such price had been fixed by an award of arbitrators as hereinafter provided, and the agreement shall be in the place of an award; C. S. C. c. 66, s. 11 (2).

17. All corporations or persons who cannot in common course of law sell or alienate any lands so set out and ascertained, shall agree upon a fixed annual rent as an equivalent, and not upon a principal sum, to be paid for the lands; and if the amount of the rent is not fixed by voluntary agreement or compromise, it shall be fixed and all proceedings shall be regulated in the manner herein prescribed; and for the payment of the said annual rent, and every other annual rent agreed upon or ascertained, and to be paid for the purchase of any lands, or for any part of the purchase money of any lands, which the vendor agrees to leave unpaid, the railway and the tolls thereon shall be liable and chargeable in preference to all other claims and demands thereon whatsoever, the deed creating such charge

and liability being duly registered in the registry office of the proper county or other registration division; C. S. C. c. 66, s. 11 (3).

As to tenants
in common,
&c.

18. Wherever there is more than one party proprietor of any land as joint tenant or tenants in common, or any contract or agreement made in good faith with any party or parties proprietor or being together proprietors of one-third or more of such land, as to the amount of compensation for the same or for any damages thereto, shall be binding as between the remaining proprietor or proprietors as joint tenants, or tenants in common; and the proprietor or proprietors who have so agreed, may deliver possession of such land, or empower the entry upon the same, as the case may be; C. S. C. c. 66, s. 11 (4).

After one
month's no-
tice of deposit
of map, &c.,
application to
the owner of
lands.

19. After one month from the deposit of the map or plan and book of reference, and from notice thereof in at least one newspaper, if there is any, published in each of the districts and counties through which the railway is intended to pass, application may be made to the owners of lands or to parties empowered to convey lands, or interested in lands which may suffer damage from the taking of materials or the exercise of any of the powers granted for the railway, and thereupon, agreements and contracts may be made with such parties touching the said lands or the compensation to be paid for the same, or for the damages, or as to the mode in which such compensation shall be ascertained, as may seem expedient to both parties, and in case of disagreement between them, or any of them, then all questions which arise between them shall be settled as in the next section mentioned; C. S. C. c. 66, s. 11 (5).

Deposits, &c.,
to be general
notice.

2. The deposit of a map or plan and book of reference, and the notice of such deposit, shall be deemed a general notice to all such parties as aforesaid, of the lands which will be required for the said railway and works; C. S. C. c. 66, s. 11 (6).

Notice to op-
posite party.

20. A notice shall be served upon the party which shall contain :

(a) A description of the lands to be taken, or of the powers intended to be exercised with regard to any lands, (describing them :)

(b) A declaration of readiness to pay some certain sum or rent, as the case may be, as compensation for such lands or for such damages; and

(c) The name of the person to be appointed as the arbitrator of the company, if their offer be not accepted; and such notice shall be accompanied by the certificate of a sworn surveyor for Ontario, disinterested in the matter, and not being the arbitrator named in the notice:

(1.) That the land, if the notice relates to the taking of land, shown on the said map or plan, is required for the railway, or is within the limits of deviation hereby allowed:

(2.) That he knows the land, or the amount of damage likely to arise from the exercise of the powers; and

(3.) That the sum so offered is, in his opinion, a fair compensation for the land, and for the damages as aforesaid. C. S. C. c. 66, s. 11 (7).

2. If the opposite party is absent from the district or county in which the lands lie, or is unknown, then, upon application to a judge of the county court, accompanied by such certificate as aforesaid, and by an affidavit of some officer of the company, that the opposite party is so absent, or that, after diligent inquiry, the party on whom the notice ought to be served cannot be ascertained, the judge shall order a notice as aforesaid, but without a certificate, to be inserted three times in the course of one month in some newspaper published in the said district or county. C. S. C. c. 66, s. 11 (8).

If the party is absent or unknown.

3. Wherever any judge of a county court is interested in lands taken or required, within the county in which he is such judge, by any railway company, for railway purposes, any judge of any of the superior courts, shall, on application of such company, exercise in such case all the powers given to such judge of a county court by the provisions of this section of this Act, in cases in which he, such judge of a county court, is not interested. 23 V. c. 29, s. 10; 24 V. c. 17, s. 3.

Provision when the county judge is interested in lands required for any railway.

Party not accepting the company's offer, and not appointing an arbitrator. 4. If within ten days after the service of such notice, or within one month after the first publication thereof as aforesaid, the opposite party does not notify to the company his acceptance of the sum offered by them, or notify to them, the name of a person whom he appoints as arbitrator, then the judge shall, on the application of the company, appoint a sworn surveyor for Ontario, to be sole arbitrator for determining the compensation to be paid as aforesaid. C. S. C. c. 66, s. 11 (9).

Appointment of arbitrators by opposite party. 5. If the opposite party within the same time aforesaid, notifies to the company the name of his arbitrator then the two arbitrators shall jointly appoint a third, or if they cannot agree upon a third, then the judge shall, on the application of the party or of the company (previous notice of at least one clear day having been given to the other party), appoint a third arbitrator. C. S. C. c. 66, s. 11 (10).

Duties of arbitrators. 6. The arbitrators, or any two of them, or the sole arbitrator, being sworn before some justice of the peace for the district or county in which the lands lie, faithfully and impartially to perform the duties of their office, shall proceed to ascertain the said compensation in such way as they or he, or a majority of them, deem best; but no award shall be made, or any official act be done by such majority, except at a meeting held at a time and place of which the other arbitrator has had at least one clear day's notice, or to which some meeting at which the third arbitrator was present, had been adjourned; and no notice to either of the parties shall be necessary, but each party shall be held sufficiently notified through the arbitrator appointed by him, or whose appointment he required. C. S. C. c. 66 s. 11 (11). 38 V. c. 15, s. 4.

Costs, how paid. 7. If in any case where three arbitrators have been appointed, the sum awarded is not greater than that offered, the costs of the arbitration shall be borne by the opposite party, and be deducted from the compensation, but if otherwise, they shall be borne by the company, and in either case they may, if not agreed upon, be taxed by the judge aforesaid. C. S. C. c. 66, s. 11 (12).

Arbitrators consider increased value of remaining lands. 8. The arbitrators in deciding on such value or compensation, are authorized and required to take into consideration the increased value that would be given to any lands or grounds through or over which the railway will pass by

reason of the passage of the railway through or over the same, or by reason of the construction of the railway, and to set off the increased value that will attach to the said lands or grounds, against the inconvenience, loss, or damage that might be suffered or sustained by reason of the company taking possession of, or using the said lands or grounds as aforesaid. 35 V. c. 25, s. 5.

9. The arbitrators, or a majority of them, or the sole arbitrator, may examine on oath or solemn affirmation the parties, or such witnesses, as appear before him or them, and may administer such oath or affirmation (a). C. S. C. c. 66, s. 11 (13) *part (b)*. Arbitrators may examine on oath.

10. Any party to an arbitration under this Act, or "*The Railway Act, 1868*," may, without leave or order, obtain and issue out of any one of the superior courts upon *proceipe*, setting forth the names of the witnesses to be subpoenaed, the names of the arbitrators, and the place and time of meeting, a subpoena commanding the attendance for examination of any witness, and also the production of any document to or before the arbitrator or arbitrators, and at the time and place mentioned in such subpoena; and the disobedience of such subpoena shall be deemed a contempt of court, and shall be punishable in the same manner and to the like extent as in the case of subpoenas issued out of such court in a civil case. 38 V. c. 15, s. 1. Parties to arbitrations under this Act or under 31 V. c. 68 (D) may obtain subpoenas. Disobedience thereto to be contempt of court.

11. The same fees shall be payable for such subpoenas as in the case of subpoenas issued out of such superior court in civil cases, and the witnesses shall be entitled to the like conduct money. 38 V. c. 15, s. 2. Fees and conduct money

12. The depositions of witnesses examined before such arbitrators shall be taken down in writing, and shall forthwith after the making of their award, together with the exhibits referred to therein, and all other papers connected with the reference except the award, be delivered, or by registered letter transmitted by the arbitrators to the clerk of records and writs of the court of chancery, with appropriate stamps, and shall be filed by such clerk with the records of the court. 38 V. c. 15, s. 3. Depositions to be in writing and filed with clerk of records and writs, with exhibits, &c.

(a) See 31 V. c. 71, s. 4, Dom.

(b) In C. S. C. the remaining portion of this section made any wilfully false statement perjury.

Time within
which award
must be made.

13. The judge by whom any third arbitrator or sole arbitrator is appointed, shall, at the same time, fix a day on or before which the award shall be made, and if the same is not made on or before such day, or some other day to which the time for making it has been prolonged, either by the consent of the parties or by the order of the judge (as it may be for reasonable cause shown, on the application of such sole arbitrator, or of one of the arbitrators, after one clear day's notice to the others), then the sum offered by the company as aforesaid shall be the compensation to be paid by them. C. S. C. c. 66, s. 11 (14).

Arbitrator
dying, &c.

14. If the arbitrator appointed by such judge, or if any arbitrator appointed by the parties, dies before the award has been made, or is disqualified, or refuses or fails to act within a reasonable time, then, in the case of the arbitrator appointed by the judge, upon the application of either party, such judge, being satisfied by affidavit or otherwise of such death, disqualification, refusal or failure, may appoint another arbitrator in his place, and the company and party respectively may each appoint an arbitrator in the place of his arbitrator, deceased or otherwise, not acting as aforesaid, but no recommencement or repetition of prior proceedings shall be required in any case. C. S. C. c. 66, s. 11 (15).

Company may
desist upon
paying costs.

15. Any such notice for lands, as aforesaid, may be desisted from, and new notice given, with regard to the same or other lands, to the same or any other party, but in any such case, the liability to the party first notified for all damages or costs by him incurred in consequence of such first notice and desistment, shall subsist. C. S. C. c. 66, s. 11 (16).

Arbitrators
not disquali-
fied unless
personally in-
terested.

16. The surveyor or other person offered or appointed as valuator or as arbitrator shall not be disqualified by reason that he is professionally employed by either party, or that he has previously expressed an opinion as to the amount of compensation, or that he is related or of kin to any member of the company, provided he is not himself personally interested in the amount of the compensation; and no cause of disqualification shall be urged against any arbitrator appointed by the judge after his appointment, but the objection must be made before the appointment, and its validity or invalidity shall be summarily determined by the judge. C. S. C. c. 66, s. 11 (17).

17. No cause of disqualification shall be urged against any arbitrator appointed by the company or by the opposite party after the appointment of a third arbitrator ; and the validity or invalidity of any cause of disqualification urged against any such arbitrator, before the appointment of a third arbitrator, shall be summarily determined by the judge, on the application of either party, after one clear day's notice to the other, and if such cause is determined to be valid, the appointment shall be null, and the party offering the person so adjudged to be disqualified, shall be held not to have appointed an arbitrator. C. S. C. c. 66, s. 11 (18).

No objection admissible after a third arbitrator has been appointed.

How validity of objections of arbitrator determined.

18. No award made as aforesaid shall be invalidated from any want of form or other technical objection, if the requirements of this Act have been complied with, and if the award states clearly the sum awarded, and the lands or other property, right or thing for which such sum is to be the compensation : nor shall it be necessary that the party or parties to whom the sum is to be paid, be named in the award. C. S. C. c. 66, s. 11 (19).

Awards not avoided for want of form.

19. Any party to such arbitration may, within one month after receiving a written notice from one of the arbitrators of the making of the award, appeal therefrom upon any question of law or fact to a judge of any of the superior courts of law or equity, and upon the hearing of such appeal such judge shall, if the same is a question of fact, decide the same upon the evidence, as in a case of original jurisdiction. 38 V. c. 15, s. 4.

Parties to arbitration may appeal to judges of Superior Courts.

20. Upon any such appeal the practice and proceedings shall be, as nearly as may be, the same as upon an appeal from a decision of the judge of the county court under "*The County Courts Act*," (a) subject to any general rules or orders (to be from time to time made by the judges of such superior courts, in the same manner as they are authorized to make other general rules and orders respecting practice and procedure) altering and regulating such practice and proceedings. 38 V. c. 15, s. 5 ; 40 V. c. 7, *Sched. A.* (143).

Practice and proceedings upon appeal.

21. The right of appeal hereby given shall not affect the existing law or practice as to setting aside awards. 38 V. c. 15, s. 6.

Existing practice as to setting aside award continued.

(a) See R. S. O. c. 43, s. 34, *et seq.*

Possession
may be taken
on payment or
tender, &c.,
of sum awar-
ded.

22. Upon payment or legal tender of the compensation or annual rent so awarded or agreed upon as aforesaid to the party entitled to receive the same, or upon the deposit of the amount of such compensation in the manner herein-after mentioned, the award or agreement shall vest in the said company the power forthwith to take possession of the lands, or to exercise the right, or to do the thing for which such compensation or annual rent has been awarded or agreed upon; and if any resistance of forcible opposition is made by any person to their so doing, the judge may, on proof to his satisfaction of such award or agreement, issue his warrant to the sheriff of the district or county, or to a bailiff, as he may deem most suitable, to put the said company in possession, and to put down such resistance or opposition, which the sheriff or bailiff, taking with him sufficient assistance, shall accordingly do. C. S. C. c. 66, s. 11 (20).

When war-
rant of posses-
sion may issue
before award.

23. Such warrant may also be granted by any such judge, without such award or agreement, on affidavit to his satisfaction that the immediate possession of the lands or of the power to do the thing mentioned in the notice, is necessary to carry on some part of the said railway with which the said company are ready forthwith to proceed; and upon the said company giving security to his satisfaction, and in a sum which shall not be less than double the amount mentioned in the notice, to pay or deposit the compensation to be awarded within one month after the making of the award, with interest from the time at which possession is given, and with such costs as may be lawfully payable by the company. C. S. C. c. 66, s. 11 (21).

Security being
first given to
deposit com-
pensation.

When com-
pensation to
stand in the
place of the
land.

24. The compensation for any lands which might be taken without the consent of the proprietor, shall stand in the stead of such lands; and any claim to or incumbrance upon the said lands, or any portion thereof, shall, as against the company, be converted into claim to the compensation, or to a like proportion thereof, and they shall be responsible accordingly whenever they have paid such compensation, or any part thereof, to a party not entitled to receive the same, saving always their recourse against such party. C. S. C. c. 66, s. 11 (22).

As to incum-
brances, &c.,

25. If the company has reason to fear any claims or incumbrances, or if any party to whom the compensation or annual rent, or any part thereof is payable, refuses to

execute the proper conveyance and guarantee, or if the party entitled to claim the same cannot be found, or is unknown to the company, or if for any other reason the company deems it advisable, the company may pay such compensation into the office of any of the superior courts, with the interest thereon for six months, and may deliver to the clerk of the court an authentic copy of the conveyance, or of the award or agreement if there be no conveyance, and such award or agreement shall thereafter be deemed to be the title of the company to the land therein mentioned: C. S. C. c. 66, s. 11 (23).

upon lands;
&c., purchased
or taken.

26. A notice, in such form and for such time as the said court appoints, shall be inserted in some newspaper if there is any, published in the county in which the lands are situate, and in the city of Toronto, which shall state that the title of the company, that is, the conveyance, agreement or award, is under this Act, and shall call upon all persons entitled to the land, or to any part thereof, or representing or being the husbands of any parties so entitled, to file their claims to the compensation or any part thereof, and all such claims shall be received and adjudged upon by the court, and the said proceedings shall for ever bar all claims to the lands, or any part thereof, including dower, as well as all mortgages and incumbrances upon the same; and the court shall make such order for the distribution, payment or investment of the compensation, and for the securing of the rights of all parties interested, as to right and justice, and according to the provisions of this Act, and the special Act, and to law, appertain. C. S. C. c. 66, s. 11 (24).

What notice
to be pub-
lished.

27. The costs of the proceedings, or any part thereof, shall be paid by the company, or by any other party, as the court deems it equitable to order. C. S. C. c. 66, s. 11 (25).

By whom
costs be paid.

28. If such order of distribution as aforesaid is obtained in less than six months from the payment of the compensation into court, the court shall direct a proportionate part of the interest to be returned to the company, and if from any error, fault, or neglect of the company, it is not obtained until after the six months have expired, the court shall order the company to pay to the proper claimants the interest for such further period as may be right. C. S. C. c. 66, s. 11 (26) (a).

When in-
terest to be
returned to,
or paid by the
company.

(a) C. S. C. c. 66, s. 11, sub-secs. 27-29, relate to the Province of Quebec. Sub-s. 30 relates to Indian lands, and is within the jurisdiction of the Dominion Parliament. See 39 V. c. 18, s. 20, D. Sub-s. 31 relates to naval and military reserves, and is also under the jurisdiction of the Dominion Parliament. See this sub-section on p. 59.

HIGHWAYS AND BRIDGES (*a*).

21. The highways and bridges shall be regulated as follows:

Railway not to be carried along any highway without leave from municipal authorities.

1. The railway shall not be carried along an existing highway (*b*), but merely cross the same in the line of the railway, unless leave has been obtained from the proper municipal authority therefor; and no obstruction of such highway with the works shall be made without turning the highway so as to leave an open and good passage for carriages, and, on completion of the works, replacing the highway, under a penalty of not less than forty dollars for any contravention; but, in either case, the rail itself, provided it does not rise above or sink below the surface of the road more than one inch, shall not be deemed an obstruction.

Railways not to rise more than one inch above level of highways when crossing the same.

2. No part of the railway which crosses any highway without being carried over by a bridge, or under by a tunnel, shall rise above or sink below the level of the highway more than one inch; and the railway may be carried across or above any highway within the limits aforesaid.

Height and breadth of bridge over highways.

3. The space of the arch of any bridge erected for carrying the railway over or across any highway shall at all times be, and be continued of the open and clear breadth and space, under such arch, of not less than twenty feet, and of a height from the surface of such highway to the centre of such arch of not less than twelve feet; and the descent under any such bridge shall not exceed one foot in twenty feet.

Ascent of bridges.

4. The ascent of all bridges erected to carry any highway over any railway shall not be more than one foot in twenty feet increase over the natural ascent of the highway; and a good and sufficient fence shall be made on each side of every bridge, which fence shall not be less than four feet above the surface of the bridge.

Precautions when railway crosses a highway.

5. Signboards stretching across the highway crossed at a level by any railway, shall be erected and kept up at each crossing at such height as to leave sixteen feet from

(*a*) Incorporated into the Toronto, Grey, and Bruce Railway Act 31 V. c. 40, s. 2, p. 2.

(*b*) See R. S. O. c. 174, s. 561, p. 136.

the highway to the lower edge of the signboard, and having the words "Railway Crossing" painted on each side of the signboard, and in letters not less than six inches in length; and for every neglect to comply with the requirements of this clause, a penalty not exceeding forty dollars shall be incurred. C. S. C. c. 66, s. 12.

FENCES (a).

22. Fences shall be erected and maintained on each side of the railway, of the height and strength of an ordinary division fence, with openings, or gates, or bars therein at farm crossings of the road, for the use of the proprietors of the lands adjoining the railway; and also cattle guards at all road crossings, suitable and sufficient to prevent cattle and animals from getting on the railway. C. S. C. c. 66, s. 13.

Fences to be erected on each side of railway.

2. The said words "openings, gates, or bars," shall be held to mean and shall in all cases imply sliding gates, commonly called hurdle gates, with proper fastenings; but this shall not be interpreted to the profit of those proprietors and tenants of land crossed by railways who had received compensation from the railway companies, for having omitted the erection of such gates before the tenth of June, one thousand eight hundred and forty-seven, nor shall it in any way affect or apply to any railway constructed or in part constructed, on the tenth of June, one thousand eight hundred and forty-seven, but the same shall apply only to railways constructed or commenced after that day. C. S. C. c. 66, s. 14.

Meaning of certain words.

3. Until such fences and cattle guards are duly made, the company shall be liable for all damages which may be done by their trains or engines to cattle, horses, or other animals on the railway. C. S. C. c. 66, s. 15.

Liability of company until cattle guards erected.

4. After the fences or guards have been duly made, and while they are duly maintained, no such liability shall accrue for any such damages, unless negligently or wilfully done. C. S. C. c. 66, s. 16.

When to be exempted.

5. If any person rides, leads, or drives any horse or other animal upon such railway, and within the fences and guards, other than the farm crossings, without the consent

Persons prohibited going on the track, &c., with cattle, &c.

(a) Incorporated into the Toronto, Grey, and Bruce Railway Act, 31 V. c. 40, s. 2, p. 2.

of the company, he shall for every such offence forfeit a sum not exceeding forty dollars, and shall also pay to the party aggrieved all damages sustained thereby. C. S. C. c. 66, s. 17.

Or walking
thereon,

6. No person other than those connected with, or employed by, the railway, shall walk along the track thereof, except where the same is laid across or along a highway. C. S. C. c. 66, s. 18.

Dividing and
separating of
lands, for rail-
way from
neighbouring
lands.

7. Within six months after any lands have been taken for the use of the railway, and if thereunto required by the proprietors of the adjoining lands respectively, but not otherwise, the company shall, at their own costs and charges, set and make on the lands so taken, and from time to time maintain, support, and keep in repair, a sufficient post or rail, hedge, ditch, bank, or other fence sufficient to keep off hogs, sheep, and cattle, and thereby divide and separate and keep constantly divided and separated such lands from the lands or grounds adjoining thereto. C. S. C. c. 66, s. 19.

TOLLS (a).

Tolls to be
fixed by by-
laws or other-
wise.

23. Tolls shall be from time to time fixed and regulated by the by-laws of the company, or by the directors, if thereunto authorized by the by-laws, or by the shareholders at any general meeting, and may be demanded and received for all passengers and goods transported upon the railway or in the steam vessels to the undertaking belonging, and shall be paid to such persons and at such places near to the railway, in such manner and under such regulations as the by-laws direct. C. S. C. c. 66, s. 20.

How payment
of tolls en-
forced.

2. In case of denial or neglect of payment on demand of any such tolls, or any part thereof, to such persons, the same may be sued for and recovered in any competent court, or the agents or servants of the company may seize the goods for or in respect whereof such tolls ought to be paid, and detain the same until payment thereof; and in the meantime the said goods shall be at the risk of the owners thereof. C. S. C. c. 66, s. 21.

(a) Incorporated into the Toronto, Grey, and Bruce Railway Act, 31 V. c. 40, s. 2, p. 2.

3. If the tolls are not paid within six weeks, the company may sell the whole or any part of such goods, and out of the money arising from such sale retain the tolls payable, and all charges and expenses of such detention and sale; rendering the surplus, if any, or such of the goods as remain unsold, to the person entitled thereto. C. S. C. c. 66, s. 22.

When if tolls not paid, goods distrained may be sold.

4. If any goods remain in the possession of the company unclaimed for the space of twelve months, the company may thereafter, and on giving public notice thereof by advertisement for six weeks in the *Ontario Gazette*, and in such other papers as they deem necessary, sell such goods by public auction at a time and place to be mentioned in such advertisement, and out of the proceeds thereof, pay such tolls and all reasonable charges for storing, advertising, and selling such goods; and the balance of the proceeds, if any, shall be kept by the company for a further period of three months, to be paid over to any party entitled thereto. C. S. C. c. 66, s. 23.

When goods distrained or detained may be sold.

5. In default of such balance being claimed before the expiration of the period last aforesaid, the same shall be paid over to the provincial treasurer to be applied to the general purposes of the Province, until claimed by the party entitled thereto. C. S. C. c. 66, s. 24.

How balance to be disposed of.

6. All or any of the tolls may, by any by-law, be reduced and again raised as often as deemed necessary for the interests of the undertaking; but the same tolls shall be payable at the same time and under the same circumstances upon all goods and by all persons, so that no undue advantage, privilege, or monopoly, may be afforded to any person or class of persons by any by-laws relating to the tolls. C. S. C. c. 66, s. 25.

Tolls—how raised—or reduced.

7. In all cases, a fraction in the distance over which goods or passengers are transported on the railway shall be considered as a whole mile; and for a fraction of a ton in the weight of any goods, a proportion of the tolls shall be demanded and taken, according to the number of quarters of a ton contained therein, and a fraction of a quarter of a ton shall be deemed and considered as a whole quarter of a ton. C. S. C. c. 66, s. 26.

Fraction of a mile—how considered in charging tolls.

Table of tolls to be stuck up in offices and cars.

8. The directors shall, from time to time, print and stick up, or cause to be printed and stuck up, in the office, and in all and every of the places where the tolls are to be collected, and in every passenger car, in some conspicuous place there, a printed board or paper exhibiting all the tolls payable, and particularizing the price or sum of money to be charged or taken for the carriage of any matter or thing. C. S. C. c. 66, s. 27.

Tolls to be approved of by the Lieut.-Governor.

9. No tolls shall be levied or taken until approval of by the Lieutenant-Governor in council, nor until after two weekly publications in the *Ontario Gazette* of the by-law establishing such tolls, and of the order in council approving thereof. C. S. C. c. 66, s. 28.

The Lieut.-Governor may revise by-laws fixing tolls.

10. Every by-law fixing and regulating tolls shall be subject to revision by the Lieutenant-Governor in Council from time to time, after approval thereof as aforesaid; and after an order in Council, reducing the tolls fixed and regulated by any by-law, has been twice published in the *Ontario Gazette*, the tolls mentioned in such order in council shall be substituted for those mentioned in the by-law so long as the order in council remains unrevoked. C. S. C. c. 66, s. 29.

When the legislature may reduce tolls on railways.

11. The Legislature may, from time to time, reduce the tolls upon the railway, but not without the consent of the company or so as to produce less than fifteen per cent. per annum profit on the capital actually expended in its construction; nor unless on an examination made by the commissioner of public works of the amount received and expended by the company, the net income from all sources for the year then last past, is found to have exceeded fifteen per cent. upon the capital so actually expended. C. S. C. c. 66, s. 118. (a)

By-laws imposing tolls to be approved by the Lieut. Governor in council.

12. The by-laws of every railway company heretofore or hereafter incorporated regulating the tolls to be taken on such road, in the Special Act respecting which a provision has been inserted that such railway should be subject to the provisions of any general Act relating to railways shall be subject to the approval of the Lieutenant Governor in council, and no by-law of any railway company in this province by which any tolls are to be imposed or altered, or by which any party other than the members, officers, and servants of the company are intended to be

(a) In C. S. C. this sub-section was under "19 General Provisions." C. S. C. c. 66, s. 118.

bound, shall have any force or effect until the same has been approved and sanctioned by the Lieutenant-Governor in Council. C. S. C. c. 66, s. 151 (a).

GENERAL MEETINGS (b).

24. The shareholders may assemble together at general Shareholders meetings for purposes connected with or belonging to the may hold ge-
undertaking, and at any annual general meeting, and may ing.
elect directors in the manner provided by section twenty-
six. C. S. C. c. 66, s. 30.

25. The method of calling general meetings, and the Calling of
time and place of the first meeting of shareholders for the meetings, &c.
appointment of directors, shall be determined and settled
in the Special Act. C. S. C. c. 66, s. 35 (c).

PRESIDENT AND DIRECTORS (d).

26. A board of directors of the undertaking, to manage Board of
its affairs the number whereof shall be stated in the Spe- Directors.
cial Act, (e), shall be chosen annually by a majority of the
shareholders voting at such election at a general meeting,
the time and place for which shall be appointed by the
Special Act(f); and if such election is not held on the day so
appointed, the directors shall notify and cause such election
to be held within thirty days after the day appointed. C.
S. C. c. 66, s. 31.

2. On the day so notified, no person shall be admitted to Who entitled
vote except those who would have been entitled to vote to vote.
had the election been held on the day when it ought to
have been held. C. S. C. c. 66, s. 32.

3. Vacancies in the board of directors shall be filled in Vacancies
the manner prescribed by the by-laws. C. S. C. c. 66, s. how to be
filled up.
33.

(a) In Consol. Stat. Canada this subsection was under "General Provi-
sions for all railways." "24. By-laws regulating tolls." C. S. C. c. 66,
s. 151.

(b) Incorporated into the Toronto, Grey, and Bruce Railway Act, 31 V.
c. 40, s. 2, p. 2.

(c) This section in C. S. C. was under "11. President and Directors,
their Election and Duties." C. S. C. c. 66, s. 35.

(d) Incorporated into the Toronto, Grey, and Bruce Railway Act, 31 V.
c. 40, s. 2, p. 2.

(e) See 31 V. c. 40, s. 17, p. 7.

(f) See 31 V. c. 40, s. 16, p. 7.

Who qualified
to be a direc-
tor.

4. No person shall be a director unless he is a shareholder, owning stock absolutely in his own right (a), and qualified to vote for directors at the election at which he is chosen. C. S. C. c. 66, s. 34 (b).

Votes to be in
proportion to
shares.

5. The number of votes to which each shareholder shall be entitled on every occasion when the votes of the members are to be given, shall be in the proportion to the number of shares held by him, unless otherwise provided by the Special Act. C. S. C. c. 66, s. 36.

Shareholders
may vote by
proxy.

6. All shareholders, whether resident in this Province or elsewhere, may vote by proxy, if they see fit, provided such proxy produces from his constituent an appointment in writing, in the words or to the effect following, that is to say :

I, _____, of _____, one of the shareholders of the _____, do hereby appoint _____ of _____, to be my proxy, and in my absence to vote or give my assent to any business, matter or thing relating to the said undertaking, that may be mentioned or proposed at any meeting, of the shareholders of the said company, or any of them, in such manner as he the said _____ thinks proper.

In witness whereof, I have hereunto set my hand and seal, the day of _____, in the year _____.

C. S. C. c. 66, s. 37.

Votes by
proxy to be
valid.

7. The votes by proxy shall be as valid as if the principals had voted in person ; and every matter or thing proposed or considered in any public meetings of the shareholders shall be determined by the majority of votes and proxies then present and given, and all decisions and acts of any such majority shall bind the company, and be deemed the decisions and acts of the company. C. S. C. c. 66, s. 38.

Term of office
of directors.

8. The directors first appointed, or those appointed in their stead, in case of vacancy, shall remain in office until the next annual election of directors at the time appointed therefor, at which time an annual general meeting of the shareholders shall be held to choose directors for the ensuing year, and generally to transact the business of the company. C. S. C. c. 66, s. 39.

Vacancies
how supplied.

9. In case of the death, absence or resignation of any of the directors others may be appointed in their stead by the

(a) See 31 V. c. 40, s. 18, p. 8.

(b) C. S. C. c. 66, s. 35, is now s. 25, p. 81.

surviving directors; but if such appointment is not made, such death, absence or resignation shall not invalidate the acts of the remaining directors. C. S. C. s. 66, s. 40.

10. The directors shall, at their first or at some other ^{President.} meeting after the day appointed for the annual general meeting, elect one of their number to be the president of the company, who shall always, when present, be the chairman of and preside at all meetings of the directors, and shall hold his office until he ceases to be a director, or until another president has been elected in his stead; and they may in like manner elect a vice-president, who shall ^{Vice-President.} act as chairman in the absence of the president. C. S. C. c. 66, s. 41.

11. The directors at any meeting at which not less than ^{Quorum.} a quorum, to be settled by the Special Act (a), are present, shall be competent to use and exercise all and any of the powers vested in the directors. C. S. C. c. 66, s. 42.

12. The Act of a majority of a quorum of the directors ^{Acts of ma-} present at any meeting regularly held, shall be deemed the ^{ajority to bind} act of the directors. C. S. C. c. 66, s. 43. ^{the whole.}

13. No director shall have more than one vote at any ^{Casting vote.} meeting except the chairman, who shall, in case of a division of equal numbers, have the casting vote. C. S. C. c. 66, s. 44.

14. The directors shall be subject to the examination ^{Directors to} and control of the shareholders at their annual meetings, ^{be subject to} and be subject to all by-laws of the company, and to the ^{shareholders} orders and directions from time to time made at the annual ^{and by-laws.} or at any special meetings, such orders and directions not being contrary to any express directions or provision of this Act or the Special Act. C. S. C. c. 66, s. 45.

15. No person holding any office, place or employment ^{Officers of} in or being concerned or interested in any contracts under ^{company not} or with the company, shall be capable of being chosen a ^{to be direc-} director, or of holding the office of director, nor shall any ^{tors.} person being a director of the company enter into or be directly or indirectly for his own use and benefit, interested in any contract with the company, not relating to the purchase of land necessary for the railway, or be or become a partner of any contractor with the company; and in the event of any such contract made since the thirtieth of June, one thousand eight hundred and fifty-eight, or

(a) See 31 V. c. 40, s. 26, p. 10.

made after this Act takes effect, by or on behalf of any director, an action shall lie in any court of common law or other court of competent jurisdiction against such director, at the suit of any shareholder of the company, for the benefit of the funds thereof, for the whole amount of profit accruing to such director from the contract so made or fulfilled. C. S. C. c. 66, s. 46, *part (a)*.

By-laws for management of stock, &c.

16. The directors shall make by-laws for the management and disposition of the stock, property, business, and affairs of the company, not inconsistent with the laws of this Province, and for the appointment of all officers, servants, and artificers, and prescribing their respective duties. C. S. C. c. 66, s. 47.

May appoint officers.

17. The directors shall from time to time appoint such officers as they deem requisite, and shall take sufficient security, by one or more penal bonds, or otherwise, from the manager and officers for the time being, for the safe keeping and accounting by them respectively of the moneys raised by virtue of this Act and the special Act, and for the faithful execution of their offices, as the directors think proper. C. S. C. c. 66, s. 68. (*b*)

Vice-President to act in the absence of the president.

18. In case of the absence or illness of the president, the vice-president shall have all the rights and powers of the president, and may sign all notes, bills, debentures, and other instruments, and perform all acts, which by the regulations and by-laws of the company or by the Acts incorporating the company are required to be signed, performed and done by the president. C. S. C. c. 66, s. 69. (*c*)

Absence of president may be entered in the minutes, and certified, &c.

19. The directors may at any meeting require the secretary to enter such absence or illness among the proceedings of such meeting, and a certificate thereof signed by the secretary shall be delivered to any person or persons requiring the same on payment to the treasurer of one dollar, and such certificate shall be taken and considered as *prima facie* evidence of such absence or illness at and during the period in the said certificate mentioned, in all proceedings in courts of justice or otherwise. C. S. C. c. 66, s. 70. (*d*)

(a) For the rest of C. S. C. c. 66, s. 46, see sec. 36, sub-s. 4, p. 97.

(b) In C. S. C., sub-sections 17, 18, and 19, were under "12. Calls," C. S. C. c. 66, ss. 68, 69, 70.

(c) See the last note.

(d) See note *b*, *supra*.

20. The directors shall cause to be kept, and annually on the thirty-first day of December shall cause to be made up and balanced, a true, exact, and particular account of the money collected and received by the company, or by the directors or managers thereof, or otherwise, for the use of the company, and of the charges and expenses attending the erecting, making, supporting, maintaining, and carrying on of the undertaking, and of all other receipts and expenditures of the company or the directors. C. S. C. c. 66, s. 62. (a)

CALLS (b).

27. The directors may from time to time make such calls of money upon the respective shareholders, in respect of the amount of capital respectively subscribed or owing by them, as they deem necessary, and thirty days' notice at the least shall be given of each call, and no call shall exceed the prescribed amount determined in the special Act, or be made at a less interval than two months from the previous call, nor shall a greater amount be called in, in any one year, than the amount prescribed in the special Act. C. S. C. c. 66, s. 48.

2. All notices of meetings or of calls upon the shareholders of the company shall be published weekly in the *Ontario Gazette*, and the said *Gazette* shall, on production thereof, be conclusive evidence of the sufficiency of such notices. C. S. C. c. 66, s. 49.

3. Every shareholder shall be liable to pay the amount of the call so made in respect of the shares held by him to the persons and at the times and places from time to time appointed by the company or the directors. C. S. C. c. 66, s. 50.

4. If, before, or on the day appointed for payment, any shareholder does not pay the amount of the call, he shall be liable to pay interest for the same, at the legal rate for the time being, from the day appointed for the payment thereof to the time of the actual payment. C. S. C. c. 66, s. 51.

(a) This section in C. S. C. was under "12. Calls." C. S. C. c. 66, s. 62.

(b) Incorporated into the Toronto, Grey, and Bruce Railway Act, 31 V. c. 40, s. 2, p. 2.

Amount of call may be recovered by suit.

5. If at the time appointed for the payment of any call, any shareholder fails to pay the amount of the call, he may be sued for the same in any court of law or equity having competent jurisdiction, and the same may be recovered with lawful interest from the day on which the call became payable. C. S. C. c. 66, s. 52.

What formalities necessary in actions for calls.

6. In any action or suit to recover any money due upon any call, it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is the holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear amount in respect of one call or more upon one share or more, stating the number and amount of each of such calls, whereby an action has accrued to the company by virtue of the special Act. C. S. C. c. 66, s. 53.

Certificate of proprietorship *prima facie* evidence.

7. The certificate of proprietorship of any share shall be admitted in all courts as *prima facie* evidence of the title of any shareholder, his executors, administrators, successors, or assigns, to the share therein specified. C. S. C. c. 66, s. 54.

Want of certificate not to prevent disposing of shares.

8. But the want of such certificate shall not prevent the holder of any share from disposing thereof. C. S. C. c. 66, s. 55.

Penalty for refusal to pay calls.

9. Any persons neglecting or refusing to pay a ratable share of the calls as aforesaid, for the space of two months after the time appointed for the payment thereof, shall forfeit their respective shares in the undertaking, and all the profit and benefit thereof; all which forfeitures shall go to the company for the benefit thereof. C. S. C. c. 66, s. 56.

Forfeiture of share to be taken advantage of only at a general meeting.

10. No advantage shall be taken of the forfeiture, unless the same is declared to be forfeited at a general meeting of the company, assembled at any time after such forfeiture incurred. C. S. C. c. 66, s. 57.

Effect of forfeiture as to liabilities.

11. Every such forfeiture shall be an indemnification to and for every shareholder so forfeiting against all actions, suits, or prosecutions whatever, commenced or prosecuted for any breach of contract or other agreement between such shareholder and the other shareholders with regard to carrying on the undertaking. C. S. C. c. 66, s. 58.

12. The directors may sell, either by public auction or private sale, and in such manner and on such terms as to them seem meet, any shares so declared to be forfeited, and also any shares remaining unsubscribed for in the capital stock of the company, or pledge such forfeited or unsubscribed shares for the payment of loans or advances made or to be made thereon, or of any sums of money borrowed or advanced by or to the company. C. S. C. c. 66, s. 59.

Directors may sell forfeited shares by auction.

13. A certificate of the treasurer of the company that the forfeiture of the shares was declared, and of their purchase by the purchaser, shall be sufficient evidence of the facts, and such certificate, with the receipt of the treasurer for the price of such shares, shall constitute a good title to the shares, and the certificate shall be by the said treasurer enregistered in the name and with the place of abode and occupation of the purchasers, and shall be entered in the books required to be kept by the by-laws of the company, and such purchaser shall thereupon be deemed the holder of such shares, and shall not be bound to see to the application of the purchase money, nor shall his title to such shares be affected by any irregularity in the proceedings in reference to such sale, and any shareholder may purchase any shares so sold. C. S. C. c. 66, s. 60.

Certificate of treasurer to be evidence of forfeiture and of title.

14. Shareholders willing to advance the amount of their shares, or any part of the money due upon their respective shares beyond the sums actually called for, may pay the same, and upon the principal moneys so paid in advance, or so much thereof as from time to time exceeds the amount of the calls then made upon the shares in respect to which such advance is made, the company may pay interest at the legal rate of interest for the time being, as the shareholders paying such sum in advance and the company agree upon, but such interest shall not be paid out of the capital subscribed. C. S. C. c. 66, s. 61 (a).

Interest may be allowed to shareholders paying money in advance on their shares.

DIVIDENDS (b).

28. At the general meetings of the shareholders of the undertaking, from time to time holden a dividend shall be made out of the clear profits of the undertaking, unless such meeting declare otherwise. C. S. C. c. 66, s. 63.

Declaration of dividend.

(a) C. S. C. c. 66, s. 62, is now s. 26, sub-s. 20, p. 85.

(b) Incorporated into the Toronto, Grey, and Bruce Railway Act, 31 V. c. 40, s. 2, p. 2. This subdivision of "Dividends" in C. S. C. was under "12. Calls." C. S. C. c. 66, ss. 63-67.

At so much
per share.

2. Such dividend shall be at and after the rate of so much per share upon the several shares held by the shareholders in the stock of the company, as such meeting thinks fit to appoint or determine. C. S. C. c. 66, s. 64.

Dividends not
to impair the
capital.

3. No dividend shall be made whereby the capital of the company is in any degree reduced or impaired, or be paid thereout, nor shall any dividend be paid in respect of any share, after a day appointed for payment of any call for money in respect thereof until such call has been paid. C. S. C. c. 66, s. 65.

Directors may
pay interest
on sums call-
ed up in re-
spect of
shares.

4. The directors may, in their discretion, until the railway is completed and opened to the public, pay interest at any rate authorized by the laws of Canada but not exceeding six dollars per hundred dollars per annum, on all sums called up in respect of the shares, from the respective days on which the same have been paid, such interest to accrue and be paid at such times and places as the directors appoint for that purpose. C. S. C. c. 66, s. 66.

No interest on
shares in
arrear.

5. No interest shall accrue to the proprietors of any share upon which any call is in arrear in respect of such share or any other share to be holden by the same shareholder while such call remains unpaid, nor shall any interest be paid or taken from the capital subscribed. C. S. C. c. 66, s. 67 (a).

SHARES AND THEIR TRANSFER (b).

Shareholders
may dispose
of shares.

29. Shares in the undertaking may, by the parties, be sold and disposed of by instrument in writing, to be made in duplicate, one part of which shall be delivered to the directors, to be filed and kept for the use of the company, and an entry thereof shall be made in a book to be kept for that purpose; and no interest on the shares transferred shall be paid by the purchaser until such duplicate is so delivered, filed and entered. C. S. C. c. 66, s. 71.

Form of sale.

2. Sales shall be in the form following, varying the names and descriptions of the contracting parties, as the case may require:

(a) C. S. C. c. 66, ss. 68, 69, 70, are now s. 26, sub-ss. 17, 18, 19, p. 84.

(b) Incorporated into the Toronto, Grey, and Bruce Railway Act, 31 V. c. 40, s. 2, p. 2.

I, A. B., in consideration of the sum of _____ paid
to me by C. D., hereby do sell and transfer to him
share (or shares) of the stock of the _____, to hold to him
the said C. D., his heirs, executors, administrators, and assigns, subject
to the same rules and orders, and on the same conditions that I held the
same immediately before the execution thereof. And I the said C. D. do
hereby agree to accept the said _____ share (or shares)
subject to the same rules, orders, and conditions.

Witness our hands this _____ day of _____ in the year 18 .
C. S. C. c. 66, s. 72.

3. The stock of the company shall be deemed personal Shares to be
estate, but no shares shall be transferable until all previous ^{personal es-}
calls thereon have been fully paid in, or the said shares ^{tate—trans-}
have been declared forfeited for the non-payment of calls ^{fer of.}
thereon, and no transfer of less than a whole share shall
be valid. C. S. C. c. 66, s. 73.

4. If any share in the company is transmitted by the Transmission
death, bankruptcy, or last will, donation or testament, or ^{of shares other}
by the intestacy of any shareholder, or by any lawful ^{than by trans-}
means other than the transfer hereinbefore mentioned, the ^{fer, provided}
party to whom such share is so transmitted shall deposit ^{for.}
in the office of the company a statement in writing, signed
by him, declaring the manner of such transmission, to-
gether with a duly certified copy or probate of such will,
donation, or testament, or sufficient extracts therefrom, and
such other documents or proof as may be necessary, and
without which such party shall not be entitled to receive
any share of the profits of company, or to vote in respect
of any such share as the holder thereof. C. S. C. c. 66,
s. 74.

5. The company shall not be bound to see to the execu- Company not
tion of any trust, whether express, implied, or constructive, ^{bound to see}
to which any of the shares may be subject; and the receipt ^{to execution}
of the party in whose name any share stands in the books ^{of trusts.}
of the company, or if it stands in the name of more parties
than one, the receipt of one of the parties named in the
register of shareholders, shall from time to time be a suffi-
cient discharge to the company for any dividend or other
sum of money payable in respect of the share, notwith-
standing any trust to which the share may then be subject,
and whether or not the company have had notice of the
trusts, and the company shall not be bound to see to the
application of the money paid upon such receipts. C. S.
C. c. 66, s. 108 (a).

(a) In C. S. C. this section was under "19. General Provisions," C.S.C.
c. 66, s. 108.

Stock may be increased.

6. The original capital stock may be increased from time to time to any amount, but such increase must be sanctioned by a vote in person or by proxy, of at least two-thirds in amount of all the shareholders, at a meeting of them expressly called by the directors for that purpose, by a notice in writing to each shareholder, served on him personally, or properly directed to him, and deposited in the post office nearest to his place of residence, at least twenty days previous to such meeting, stating the time and place and object of the meeting, and the amount of increase, and the proceedings of such meeting must be entered on the minutes of the proceedings and thereupon, the capital stock may be increased to the amount sanctioned by such a vote. C. S. C. c. 66, s. 81 (a).

Company not to take stock in other companies.

7. The funds of the company shall not be employed in the purchase of any stock in their own or in any other company. C. S. C. c. 66, s. 82.

SHAREHOLDERS (b).

Shareholders individually liable till shares paid up.

30. Each shareholder shall be individually liable to the creditors of the company to an amount equal to the amount unpaid on the stock held by him, for the debts and liabilities of the company, and until the whole amount of his stock has been paid up; but shall not be liable to an action therefor before an execution against the company has been returned unsatisfied in whole or in part, and the amount due on such execution shall be the amount recoverable with costs against such shareholder. C. S. C. c. 66, s. 80 (c).

Account of names and residence of shareholders to be kept.

2. A true and perfect account of the names and places of abode of the several shareholders shall be entered in a book to be kept for that purpose, as well as of the several persons who, from time to time, become proprietors of, or entitled to any shares therein, and of all the other acts proceedings and transactions of the company and of the directors for the time being. C. S. C. c. 66, s. 112 (d).

(a) In C. S. C. this and the following sub-section were under "15. Shareholders." C. S. C. c. 66, ss. 81, 82.

(b) Incorporated into the Toronto, Grey, and Bruce Railway Act. 31 V. c. 40 s. 2, p. 2.

(c) C. S. C. c. 66, ss. 81, 82, are now sec. 29 sub-ss. 6 and 7, *supra*.

(d) In C. S. C. this sub-section was under "19. General Provisions," s. 112.

MUNICIPALITIES TAKING STOCK (a).

31. Municipal corporations in this province may sub-^{Municipal}scribe for any number of shares in the capital stock of (b), ^{corporations}or lend to, or guarantee the payment of any sum of money ^{may take}borrowed by the company from any corporation or person, ^{stock.}or endorse or guarantee the payment of any debentures to be issued by the company for the money by them borrowed, and may assess and levy from time to time upon the whole ratable property of the municipality a sufficient sum for them to discharge the debt or engagement so contracted, and for the like purpose may issue debentures payable at such times and for such sums respectively, not less than twenty dollars, and bearing or not bearing interest, as such municipal corporation thinks meet. C. S. C. c. 66, s. 75.

2. Any such debenture issued, endorsed or guaranteed, ^{Debentures}shall be valid, and binding upon the municipal corporation ^{issued by}if signed or endorsed, and countersigned by the officer or ^{them to be}person, and in such manner and form as directed by any ^{binding.}by-law of the corporation, and the seal of the corporation thereto shall not be necessary, nor the observance of any other form with regard to the debentures than as directed in the by-law, C. S. C. c. 66, s. 76.

3. No municipal corporation shall subscribe for stock or ^{Not to sub-}incur any debt or liability under this Act or the Special ^{scribe for}Act, unless and until a by-law to that effect has been duly ^{stock unless}made, and adopted, with the consent first had of a majority ^{by-laws are}of the qualified electors (c) of the municipality, to be ascer- ^{made for that}tained in the manner provided by "*The Municipal Act*," ^{purpose.}after public advertisement thereof containing a copy of ^{Rev. Stat. c.}174. such proposed by-law, inserted at least four times in each newspaper printed within the limits of the municipality, or if none be printed therein, then in some one or more newspapers printed in the nearest city or town thereto and circulated therein, and also put up in at least four of the most public places in each municipality. C. S. C. c. 66, s. 77; 36 V. c. 48, s. 471 (5). *See also Rev. Stat. c. 174, s. 559.*

4. The mayor, warden, or reeve, or other chief officer of ^{Mayor, &c. to}such municipal corporation subscribing for and holding ^{be ex-officio a}stock in the company to the amount of twenty thousand ^{director in}
^{certain cases.}

(a) Incorporated under the Toronto, Grey, and Bruce Railway Act, 31 V. c. 40, s. 2, p. 2, under the title "Municipalities."

(b) See R. S. O. c. 174, s. 559, *et seq.*, p. 135.

(c) See 43 V. c. 27, s. 16, p. 144.

dollars, or upwards, shall be *ex-officio* one of the directors of the company, in addition to the number of directors authorized by the Special Act, and shall have the same rights, powers, and duties as any of the directors of the company. C. S. C. c. 66, s. 78. *See also Rev. Stat. c. 174, s. 560.*

Mayor, &c.,
not to vote for
directors of
companies in-
corporated
before 14th of
June, 1853.

5. No such mayor, warden, reeve, or other chief officer or other person representing any municipality having or taking stock in any railway company shall, directly or indirectly, vote on the election or appointment of the private directors of any railway company incorporated previous to or during the session held in the sixteenth year of Her Majesty's reign, unless the Special Act of Incorporation of such company expressly provides therefor. C. S. C. c. 66, s. 79.

BY-LAWS—NOTICES, ETC. (a).

By-laws to be
put into writ-
ting & signed
by chairman.

32. All by-laws, rules and orders regularly made, shall be put into writing and signed by the chairman or person presiding at the meeting at which they are adopted, and shall be kept in the office of the company; and a printed copy of so much of them as relates to or affects any party other than the members or servants of the company, shall be affixed openly in all and every passenger car, and in all and every place where tolls are to be gathered, and in like manner so often as any change or alteration is made in the same; and any copy of the same or of any of them, certified as correct by the president or secretary, shall be deemed authentic, and shall be received as evidence thereof in any court, without further proof. C. S. C. c. 66, s. 91.

By-laws to be
submitted to
Lieut-Gover-
nor.

2. All such by-laws, rules, and orders shall be submitted from time to time to the Lieutenant-Governor for approval. C. S. C. c. 66, s. 92.

Copies of mi-
nutes to be
prima facie
evidence.

3. Copies of the minutes of proceedings and resolutions of the shareholders of the company, at any general or special meeting, and of the minutes of proceedings and resolutions of the directors, at their meetings, extracted from the minute-books kept by the secretary of the company, and by him certified to be true copies, extracted from such minute books, shall be *prima facie* evidence of such

(a) Incorporated into the Toronto, Grey, and Bruce Railway Act, 31 V. c. 40, s. 2, p. 2.

proceedings and resolutions in all courts of civil jurisdiction. C. S. C. c. 66, s. 93.

4. All notices given by the secretary of the company, by order of the directors, shall be deemed notices by the directors and company. C. S. C. c. 66, s. 94. Notices by secretary valid.

WORKING OF THE RAILWAY (a).

33. Every servant of the undertaking employed in a passenger train, or at a station for passengers, shall wear upon his hat or cap a badge, which shall indicate his office, and he shall not without such badge be entitled to demand or receive from any passenger any fare or ticket, or to exercise any of the powers of his office, nor meddle or interfere with any passenger or his baggage or property. C. S. C. c. 66, s. 95. Servants to wear badges.

2. The trains shall start and run at regular hours to be fixed by public notice, and shall furnish sufficient accommodation for the transportation of all such passengers and goods as are within a reasonable time previous thereto offered for transportation at the place of starting, and at the junctions of other railways, and at usual stopping places, established for receiving and discharging way-passengers and goods from the trains. C. S. C. c. 66, s. 96. Trains to start at regular hours.

3. Such passengers and goods shall be taken, transported and discharged, at, from, and to such places, on the due payment of the toll, freight, or fare legally authorized therefor. C. S. C. c. 66, s. 97. Passengers and goods to be carried on payment of fare or freight.

4. (b) The party aggrieved by any neglect or refusal in the premises, shall have an action therefor against the company, from which action the company shall not be relieved by any notice, condition, or declaration if the damage arises from any negligence, omission, or misconduct of the company or of its servants. C. S. C. c. 66, s. 98; 39 V. c. 21, s. 1. The company liable for refusal or neglect.

5. Checks shall be affixed by an agent or servant to every parcel of baggage having a handle, loop, or fixture of any kind thereupon, and a duplicate of such check shall be given to the passenger delivering the parcel. C. S. C. c. 66, s. 99. Checks to be fixed on parcels.

(a) Incorporated into the Toronto, Grey, and Bruce Railway Act, 31 V. c. 40, s. 2, p. 2.

(b) This subsection is applicable to all railways in Ontario. See sec. 37, p. 99.

Penalty for refusing to give checks.

6. If such check is refused on demand, the company shall pay to such passenger the sum of eight dollars, to be recovered in a civil action; and further, no fare or toll shall be collected or received from such passenger, and if he has paid his fare, the same shall be refunded by the conductor in charge of the train. C. S. C. c. 66, s. 100 (a).

Baggage cars not to be in rear of passenger cars.

7. The baggage, freight, merchandize, or lumber cars shall not be placed in rear of the passenger cars, and no officer or agent shall direct or knowingly suffer such arrangement. C. S. C. c. 66, s. 102.

[Section 102 of C. S. C. c. 66, adds:—

And if any such be so placed, the officer or agent directing or knowingly suffering such arrangement, and the conductor of the train, shall severally be guilty of a misdemeanor, and be punished accordingly.]

Locomotives to have bells or steam whistles.

8. Every locomotive engine shall be furnished with a bell of at least thirty pounds weight, or with a steam whistle. C. S. C. c. 66, s. 103.

To be rung or sounded at every crossing, &c.

9. The bell shall be rung, or the whistle sounded, at the distance of at least eighty rods from every place where the railway crosses any highway, and be kept ringing or be sounded at short intervals, until the engine has crossed such highway, under a penalty of eight dollars for every neglect thereof, to be paid by the company, who shall also be liable for all damages sustained by any person by reason of such neglect, one-half of which penalty and damages shall be chargeable to and collected by the company from the engineer having charge of such engine and neglecting to sound the whistle or ring the bell as aforesaid. C. S. C. c. 66, s. 104.

[C. S. C. c. 66, s. 105, is as follows:—

Intoxication of conductor, &c., a misdemeanor.

105. All persons in charge of a locomotive engine, or acting as the conductor of a car or train of cars, who is intoxicated, shall be deemed guilty of a misdemeanor. 14, 15 V. c. 51, s. 21.]

Passenger refusing to pay fare may be put out.

10. Any passenger refusing to pay his fare, may, with his baggage, by the conductor of the train, and the servants of the company, be put out of the cars at any usual stopping place, or near any dwelling-house, as the conductor elects, the conductor first stopping the train and using no unnecessary force. C. S. C. c. 66, s. 106.

(a) C. S. C. c. 66, s. 101 is superseded by later Evidence Acts.

11. Any passenger injured while on the platform of a car, or on any baggage, wood or freight car, in violation of the printed regulations posted up at the time in a conspicuous place inside of the passenger cars then in the train, shall have no claim for the injury, provided room inside of such passenger cars, sufficient for the proper accommodation of the passengers, was furnished at the time. Passengers to have no claim if injured when on platform of cars, &c. C. S. C. c. 66, s. 107.

12. No person shall be entitled to carry or to require the company to carry upon their railway, *aqua fortis*, oil of vitriol, gunpowder, lucifer matches, or any other goods which, in the judgment of the company, are of a dangerous nature; and if any person sends by the said railway any such goods without, at the time of so sending the said goods distinctly marking their nature on the outside of the package containing the same, and otherwise giving notice in writing to the book-keeper or other servant of the company with whom the same are left, he shall forfeit to the company the sum of twenty dollars, for every such offence. As to goods of a dangerous nature. C. S. C. c. 66, s. 119 (a).

13. The company may refuse to take any package or parcel which they suspect to contain goods of a dangerous nature, or may require the same to be opened to ascertain the fact. Dangerous goods may be refused. C. S. C. c. 66, s. 120 (b).

ACTIONS FOR INDEMNITY, AND FINES AND PENALTIES AND THEIR PROSECUTION (c).

34. All suits for indemnity for any damage or injury sustained by reason of the railway, shall be instituted within six months next after the time of such supposed damage sustained, or if there be continuation of damage, then within six months next after the doing or committing such damage ceases, and not afterwards; and the defendants may plead the general issue and give this Act and the Special Act and the special matter in evidence at any trial to be had thereupon, and may prove that the same was done in pursuance of and by authority of this Act and the Special Act. Limitation of action for damages. C. S. C. c. 66, s. 83 (d).

(a) In C. S. C. this sub-section was under "19. General Provisions," C. S. C. c. 66, s. 119.

(b) In C. S. C. c. this subsection was under "19. General Provisions," C. S. C. c. 66, s. 120.

(c) Incorporated into the Toronto, Grey, and Bruce Railway Act, 31 V. c. 40, s. 2, p. 2.

(d) C. S. C. c. 66, ss. 84, 85. See s. 101, p. 117.

Fines, how recovered.

2. All fines and forfeitures imposed by this Act or the Special Act, or by any by-law, the levying and recovering of which are not particularly herein directed, shall, upon proof of the offence before any one or more justice or justices of the peace for the district, county, or place where the Act occurred, either by the confession of the party, or by the oath or affirmation of any one credible witness, to be administered without fee or reward, be levied by distress and sale of the offender's goods and chattels, by warrant under the hand and seal or hands and seals of such justice or justices. C. S. C. c. 66, s. 86.

How applicable.

3. All fines, forfeitures, and penalties, the application wherof is not hereinbefore particularly directed, shall be paid into the hands of the treasurer of the company, to be applied to the use thereof, and the overplus of the money so raised, after deducting the penalty and the expenses of the levying and recovering thereof, shall be returned to the owner of the goods so distrained and sold. C. S. C. c. 66, s. 87

When party may be committed.

4. In case sufficient goods and chattels whereof to levy the penalty and expense are not found, the offender shall be sent to the common gaol for the county or district in which he has been convicted, there to remain without bail or mainprize, for such term, not exceeding one month, as the justice or justices think proper, unless the penalty or forfeiture, and all expenses attending the same, are sooner paid and satisfied. C. S. C. c. 66, s. 88 (a).

Punishment for contravention of this Act, &c., not to exempt company from forfeiture.

35. No punishment for a contravention of this Act or of the Special Act, by the company shall exempt the company from the forfeiture by this Act and the Special Act, of the privileges conferred on them by the said Acts, if by the provisions thereof or by law, the same be forfeited by such contravention. C. S. C. c. 66, s. 90 (b).

GENERAL PROVISIONS (c).

Provision as to the carriage of Her Majesty's mail, &c.

36. Her Majesty's Mail, Her Majesty's Naval or Military Forces or Militia, and all artillery, ammunition, provisions, or other stores for their use, and all policemen, constables

(a) C. S. C. c. 66, s. 89, superseded by 38 V. c. 4, s. 5.

(b) A portion of C. S. C. c. 66, s. 90, making contraventions of this Act or of the Special Act, by the company, or by any other party for which no punishment or penalty is herein provided, a misdemeanor, and is under the jurisdiction of the Dominion Parliament.

(c) Incorporated under the Toronto, Grey, and Bruce Railway Act, 31 V. c. 40, s. 2, p. 2.

and others travelling on Her Majesty's service, shall at all times, when thereunto required by Her Majesty's Postmaster General, the commander of the forces, or any person having the superintendence or command of any police force, and with the whole resources of the company if required, be carried on the railway, on such terms and conditions, and under such regulations as may be made by the Governor-General in council or Lieutenant-Governor in council as the case requires. C. S. C. c. 66, s. 109 (a).

2. The Governor-General or Lieutenant-Governor, as the case may be, or any person thereunto authorized by them, may require the company to place any electric telegraph, and the apparatus and operators they may have, at the exclusive use of the Government, receiving thereafter reasonable compensation for such service. C. S. C. c. 66, s. 110.

Government to have exclusive use of telegraph.

3. Any further enactments which the Parliament of Canada or the Legislature of this Province may make, for the carriage of the mail or Her Majesty's forces, and other persons and articles as aforesaid, or the tolls therefor, or in any way respecting the use of any electric telegraph or other service to be rendered to the Government, shall not be deemed an infringement of the privileges intended to be conferred by this Act or the Special Act. C. S. C. c. 66, s. 111 (b).

Further enactments may be made.

4. No contracts for works of construction or maintenance of railways, except works of ordinary repair, or of immediate necessity, shall be entered into until after tenders for such works respectively have been invited by public notice therefor, given for at least four weeks in some newspaper published in the place nearest to the work required to be done; but no company shall be compelled to accept any such tender. C. S. C. c. 66, s. 46, *part* (c).

Tenders must be advertised for.

5. If the construction of the railway is not commenced, and ten per cent. on the amount of the capital is not expended thereon within three years after the passing of the Special Act, or if the railway is not finished and put

Ten per cent to be paid within three years from passing of Special Act.

(a) C. S. C. c. 66, s. 108, is now s. 29, sub-s. 5, p. 89.

(b) C. S. C. c. 66, s. 112, is now s. 30, sub-s. 2, p. 90. C. S. C. c. 66, ss. 113, 114, are now s. 10, sub-ss. 13, 14, p. 65. For C. S. C. c. 66, ss. 115, 116, see sub-secs. 6, 7 of this section, p. 98.

(c) In C. S. C. this subsection was under "11. President and Directors. Their election and duties." C. S. C. c. 66, s. 46.

in operation in ten years from the passing of such Special Act, the corporate existence and power of the company shall cease. C. S. C. c. 66, s. 117 (*a*).

Account to be transmitted to the Provincial Secretary.

6. After the opening of the railway or any part thereof to the public, and within the first fifteen days after the opening of each session of the Legislature, an account shall be annually transmitted to the provincial secretary containing a detailed and particular account, attested upon oath of the president, or in his absence of the vice-president, of the moneys received and expended by the company, and a classified statement of the passengers and goods transported by them, with an attested copy of the last annual statement. C. S. C. c. 66, s. 115; 37 V. c. 36, s. 2.

Variation in form or details may be made.

7. No further provisions which the Legislature may hereafter make with regard to the form or details of such account, or the mode of attesting or rendering the same, shall be deemed an infringement of the privileges hereby granted to the company. C. S. C. c. 66, s. 116.

And may dissolve any corporation formed under this Act.

8. The Legislature may at any time annul or dissolve any corporation formed under this Act, but such dissolution shall not take away or impair any remedy given against any such corporation, its shareholders, officers, or servants, for any liability which has been previously incurred. C. S. C. c. 66, s. 124 (*b*).

Saving of Her Majesty's rights, &c.

9. Nothing herein contained shall affect in any manner the rights of Her Majesty, or of any person, or of any body politic, corporate or collegiate, such only excepted as are herein mentioned. C. S. C. c. 66, s. 125.

10. No amendment or alteration in this Act shall be held to be an infringement of the rights of any company authorized to construct a railway by any Act passed on or since the thirtieth of August, 1851, or by any Act with which this Act is or may be incorporated. C. S. C. c. 66, s. 126.

(*a*) C. S. C. c. 66, s. 118, is now s. 23, sub-s. 11, p. 80. C. S. C. c. 66, ss. 119, 120, are now s. 33, sub-ss. 12, 13, p. 95.

(*b*) C. S. C. c. 66, s. 121, makes the forging or uttering debentures or coupons a felony, and relates to matters within the jurisdiction of the Dominion Parliament. See 32 & 33 V. c. 19, s. 10, D. C. S. C. c. 66, s. 122, relates only to the Province of Quebec. C. S. C. c. 66, s. 123, is now incorporated into sec. 5, p. 57.

PART SECOND.

APPLICATION OF SECTIONS.

37. Unless otherwise provided, the following sections ^{Interpreta-} and the fourth sub-section of section thirty-three; shall ^{tion.} apply to every railway subject to the legislative authority of the Legislature of this province, made or to be made in this province. C. S. C. c. 66, ss. 127 & 132. *See also* 23 V. c. 29, s. 11; 24 V. c. 17, s. 7; 39 V. c. 21, s. 2,

38. In the construction of the forty-third to sixty-eighth ^{What the} sections inclusive, the seventy-ninth, the eighty-seventh to ^{words "Rail-} ninety-eighth sections inclusive of this Act, the expression ^{way Com-} "Railway Company" shall include any person being the ^{pany" shall} owner or lessee of or contractor working any railway sub- ^{include.} ject to the legislative authority of the Legislature of this province, and constructed or carried on under the powers of an Act of the Parliament of the late province of Canada or Upper Canada or of the Legislature of this province C. S. C. c. 66, s. 192.

PROCEEDINGS WHERE ADDITIONAL SPACE REQUIRED.

39. Wherever any railway company which has been ^{Proceeding} heretofore or is hereafter incorporated by, or which is sub- ^{where more} ject to the authority of the Legislature of Ontario requires ^{space is re-} at any station or place on the line of such railway, more ^{quired for the} ample space for the convenient accommodation of the pub- ^{accommoda-} lic and of the traffic on the railway than they then possess, ^{tion of the} or can take without the consent of the proprietors thereof, ^{traffic at any} the company may cause a plan to be made of the addi- ^{station or} tional ground required at such station or place for the ^{place.} purposes aforesaid, not being in actual use for similar purposes by any other railway company (and for the purpose of making such plan shall have the powers granted to railway companies for making surveys by the ninth section of this Act), and may transmit such plan to the commissioner of public works, with an application (supported by affidavit) on behalf of the company, referring to such plan and stating that certain ground shown thereon is necessary for the purposes aforesaid, and that no other ground suitable for the purpose can be acquired at such place on reason-

able terms and with less injury to private rights, and requesting the commissioner to authorize the taking thereof for such purposes under this Act; of which application ten days' notice shall be given to the owner or possessor of such property, and the correctness of the plan and the truth of the allegations in such application shall be certified by the president or one of the directors of the company, and by their engineer; and such plan and statement shall be made and transmitted to the commissioner in duplicate. 35 V. c. 25, ss. 1 & 6.

Certificate of commissioner of public works required.

40. The commissioner of public works shall enquire into the correctness of the plan and the truth of the allegations of the application aforesaid, and being satisfied thereof, shall grant a certificate to that effect, and declaring it to be necessary in the public interest, that the ground shown on such plan, or any less quantity, should be acquired by the company; and such certificate shall be annexed to one of the duplicates of the said plan and statement, and the other duplicate shall remain in the office of the commissioner. 35 V. c. 25, s. 2.

Effect of such certificate, and application of certain provisions of this Act to the land certified as necessary.

41. Upon the granting of such certificate as aforesaid by the commissioner of public works, and by virtue thereof, the company shall have power to take the ground shown on the said plan as required for the purposes aforesaid, without the consent of the proprietors; and the company and all corporations or parties who could not otherwise convey the same to the company, shall have, with respect to any such ground all the powers granted by the thirteenth to twentieth sections inclusive of this Act, to railway companies, corporations, and parties who could not otherwise convey the same, with respect to lands which may be taken without the consent of the proprietors thereof; and the enactment and provisions of the said sections, except such as refer to the map or plan, and book of reference therein mentioned, or as limit the extent of land to be taken, shall apply and are hereby extended to the ground mentioned in the said certificate of the commissioner of public works, and to all the proceedings connected with or consequent upon the acquiring or taking of such ground or any part thereof, with or without the consent of the proprietors; and if at any time thereafter the company do not require the whole or any portion of the land acquired under this Act for Railway purposes, then such land as is not so required shall be sold by auction after thirty days' notice thereof in any local newspaper. 35 V. c. 25, s. 3.

Sale of land taken and not afterwards required.

42. Any such certificate as aforesaid purporting to be ^{Proof of certi-} signed by the said commissioner, shall be received as ^{ficate.} authentic in all courts of law or equity, without proof of such signature or other evidence, unless its authenticity is called in question on behalf of the Crown. 35 V. c. 25, s. 4.

INSPECTION OF RAILWAYS.

43. The Lieutenant-Governor in council may appoint ^{Railway in-} and authorize any proper person or persons, not exceeding ^{spectors.} three in number, whose duty it shall be from time to time ^{Duties of.} to inspect all railways constructed or in course of construction, and every person so authorized may at all reasonable times, upon producing his authority if required, enter upon and examine the said railway and the stations, fences or gates, road crossings, cattle guards, works and buildings, and the engines cars and carriages belonging thereto. C. S. C. c. 66, s. 180.

44. No railway or portion of any railway shall be ^{Railway not} opened for the public conveyance of passengers until one ^{to be open till} month after notice in writing of the intention to open the ^{after one} same has been given by the company to whom the railway ^{month's no-} belongs to the commissioner of public works, and until ^{tice of inten-} ten days after notice in writing has been given by the said ^{tion to open} company to the said commissioner, of the time when the ^{the same.} said railway or portion of railway will be, in the opinion of the company, sufficiently completed for the safe conveyance of passengers, and ready for inspection. C. S. C. c. 66, s. 165; 37 V. c. 36, s. 1.

45. If any railway or portion of a railway be opened ^{Penalty for} without such notices, the company to whom such railway ^{contraven-} belongs shall forfeit to Her Majesty the sum of two ^{tion.} hundred dollars for every day during which the same continues open, until the said notices have been duly given and have expired. C. S. C. c. 66, s. 166.

46. If the railway inspector or inspectors, after inspection of any railway, report in writing to the commissioner ^{Commissioner} of public works that, in his or their opinion, the opening ^{of public} of the same would be attended with danger to the public ^{works, upon} using the same by reason of the incompleteness of the ^{report of in-} works or permanent way, or the insufficiency of the estab- ^{spectors and} lishment for working such railway, together with the ^{approval of} grounds of such opinion, the commissioner, with the sanc- ^{Lieut-Gover-} tion of the Lieutenant-Governor in council, and so from ^{nor in council,} ^{may order} ^{postponement} ^{of opening of} ^{road.}

time to time, as often as such inspector or inspectors after further inspection thereof so report, may order and direct the company to whom the railway belongs to postpone such opening for a period not exceeding one month at any one time, until it appears to the said commissioner that such opening may take place without danger to the public. C. S. C. c. 66, s. 167; 37 V. c. 36, s. 1.

Penalty for opening contrary to the order of the commissioner.

47. If any such railway, or any portion thereof is opened contrary to such order or direction of the said commissioner, the company to whom the railway belongs shall forfeit to Her Majesty the sum of two hundred dollars for every day during which the same continues open contrary to such order or direction. C. S. C. c. 66, s. 168; 37 V. c. 36, s. 1.

When only such order to be binding on the company.

48. No such order shall be binding upon any railway company unless therewith is delivered to the company a copy of the report of the inspector or inspectors on which the order is founded. C. S. C. c. 66, s. 169.

When any railway bridge condemned by commissioner and inspectors, what to be done.

49. When any bridge, culvert, viaduct, tunnel, fence, road, crossing, or cattle-guard, or any other portion of any railway constructed or in course of construction, or any locomotive, car or carriage used or for use on any railway, has been condemned, on the report of an inspector or inspectors, by the commissioner of public works, with the approval of the Lieutenant-Governor in council, or when any change or alteration therein or in any part thereof, or the substitution of any new bridge, culvert, viaduct, or tunnel, or of any material for the said railway, has been required by the commissioner, with the approval of the Lieutenant-Governor in council, the company to which such railway belongs, or the company using, running or controlling the same, shall, after notice thereof in writing signed by the said commissioner, proceed to make good or remedy the defects in the said portions of the railway, or in the locomotive, car or carriage which have been so condemned, or shall make such change, alteration, or substitution hereinbefore referred to as has been required in manner aforesaid by the commissioner. C. S. C. c. 66, s. 185; 37 V. c. 36, s. 1.

When inspectors may forbid the running of trains, &c.

50. If, in the opinion of any such railway inspector, it is dangerous for trains or vehicles to pass over any particular railway, or any portion of a railway, until alterations, substitutions, or repairs have been made thereon, or that any particular car, carriage, or locomotive should be run or

used, the said inspector may forthwith forbid the running of any train or vehicle over any such railway or portion of railway, or the running or using of any such car, carriage, or locomotive, by delivering or causing to be delivered to the president, managing director, or secretary or superintendent of the company owning, running, or using such railway, or to any officer having the management or control of the running of trains on such railway, a notice in writing to that effect, with his reasons therefor, in which he shall distinctly point out the defects or nature of the danger to be apprehended. C. S. C. c. 66, s. 186.

51. The said inspector shall forthwith report the same to Commissioner the said commissioner of public works, who, with the sanction or the Lieutenant-Governor in council may either confirm, modify, or disallow the act or order of the inspector, and such confirmation, modification, or disallowance shall be duly notified to the railway company affected thereby C. S. C. c. 66, s. 187; 37 V. c. 36, s. 1.

52. The commissioner of public works may, with the sanction of the Lieutenant-Governor in council, limit the number or times or rate of speed of running of trains or vehicles, upon such railway or portion of railway, until such alterations or repairs as he may think sufficient have been made, or until such time as he thinks prudent; and the company owning, running or using such railway shall comply forthwith with any such order of the said inspector or of the said commissioner upon notice thereof as aforesaid; and for every act of non-compliance therewith every such railway company shall forfeit to Her Majesty the sum of two thousand dollars. C. S. C. c. 66, s. 188; 37 V. c. 36, s. 1.

53. Every railway company and the directors and officers thereof shall afford to such inspector or inspectors every information, and full and true explanations, so far as may be in their power or knowledge, on all matters inquired into by any such inspector or inspectors, and submit to such inspector or inspectors all plans, specifications, drawings, and documents relating to the construction or reconstruction, repair or state of repair of such railway or any portion thereof, whether a bridge, culvert, or other part. C. S. C. c. 66, s. 181.

54. Any such inspector shall have the right to use the telegraph wires and machinery in the offices of or under

for what purposes. the control of any such railway company, for the purpose of communicating with any of the officers of the said company, or transmitting any order of any such inspector relating to such railway. C. S. C. c. 66, s. 182.

Operators and others to obey orders of inspectors. **55.** The operators or officers employed in the telegraph offices of or under the control of the said company, shall, without unnecessary delay, obey all orders of any such inspector for effecting such communications and transmitting messages for the purpose aforesaid, and any such operator or officer refusing or neglecting so to do, shall forfeit for every such offence the sum of forty dollars. C. S. C. c. 66, s. 183.

Authority of inspectors, how proved. **56.** The authority of any such inspector shall be sufficiently evidenced by a paper in writing nominating him an inspector of railways, or of any railway in particular, signed by the commissioner of public works. C. S. C. c. 66, s. 184; 37 V. c. 36, s. 1.

Lient-Governor may order permanent bridges to be substituted for movable bridges. **57.** The Lieutenant-Governor in council, upon the report of the commissioner of public works, may authorize or require any railway company to construct fixed and permanent bridges or to substitute such bridges in the place of the swing, draw or movable bridges on the line of such railway, within such time as the Lieutenant-Governor in council directs; and for every day after the period so fixed during which the company uses such swing, draw or movable bridges, the company shall forfeit and pay to Her Majesty the sum of two hundred dollars; and it shall not be lawful for any railway company to substitute any swing, draw, or other movable bridge in the place or stead of any fixed or permanent bridge already built and constructed without the consent of the Lieutenant-Governor in council previously had and obtained. C. S. C. c. 66, s. 140; 37 V. c. 36, s. 1.

Certain powers vested in commissioner with respect to crossing public highways, on a level. **58.** In any case where a railway commenced after the 27th day of May, 1857, is constructed or authorized to be constructed, across any turnpike road, street, or other public highway, on the level, the commissioner of public works, if it appears to him necessary for the public safety, may, with the sanction of the Lieutenant-Governor in council, authorize and require the company to whom such railway belongs, within such time as the commissioner directs, to carry such road, street, or highway either over or under

the said railway, by means of a bridge or arch, instead of crossing the same on the level, or to execute such other works as under the circumstances of the case appear to him the best adapted for removing or diminishing the danger arising from such level crossing; and all the provisions of law at any such time applicable to the taking of land by railway companies, and its valuation and conveyance to them, and to the compensation therefor, shall apply to the case of any land required for the construction of any works for effecting the alteration of such level crossing. C. S. C. c. 66, s. 141; 37 V. c. 36, s. 1

59. Wherever any level crossing on any railway is out of repair, the warden, mayor, reeve, or other chief officer of the municipality within whose jurisdiction such crossing is situate, may serve a notice upon the company in the usual manner, requiring the repair to be forthwith made; and if the company does not forthwith make the same, such officer may transmit a copy of the notice so served to the inspector of railways; and thereupon it shall be the duty of said inspector, with all possible despatch, to appoint a day when he will examine into the matter; and he shall by mail give notice to such warden, mayor, reeve, or other chief officer, and to the company, of the day he so fixes; and upon the day so named he shall examine such crossing; and any certificate under his hand shall be final on the subject so in dispute between the parties; and if the said inspector determines that any repairs are required, he shall specify the nature thereof in his said certificate, and direct the company to make the same; and the company shall thereupon, with all possible despatch, comply with the requirements of such certificate; and in case of default, the municipality, within whose jurisdiction the said crossing is situate, may make such repairs, and may recover all costs, expenses, and outlays in the premises by action against the company in any court of competent jurisdiction, as money paid to the company's use

Railway may be required to repair any level crossing out of repair.
Inspector's certificate to be conclusive.

2. Neither this section nor any proceeding had there-
under shall at all affect any liability otherwise attaching
to such company in the premises. 23 V. c. 29, s. 9.

60. No inspection had under this Act, nor anything in this Act contained or done or ordered, or omitted to be done or ordered, under or by virtue of the provisions of this Act, shall relieve or be construed to relieve any rail-

Inspection not to relieve company from liability.

way company of or from any liability or responsibility resting upon it by law either towards Her Majesty or towards any person, or the wife or husband, parent or child, executor or administrator, tutor or curator, heir or other personal representative of any person for anything done or omitted to be done by such company, or for any wrongful act, neglect, or default, misfeasance, malfeasance or nonfeasance of such company, or in any manner or way to lessen such liability or responsibility, or in any way to weaken or diminish the liability or responsibility of any such company under the existing laws of the province. C. S. C. c. 66, s. 190.

Company to notify orders of commissioner to its officers, &c.

61. Every railway company shall, as soon as possible after the receipt of any order or notice of the commissioner of public works, give cognizance thereof to each of its officers and servants, in one or more of the ways mentioned in the eighty-first section of this Act. C. S. C. c. 66, s. 156; 37 V. c. 36, s. 1.

What to be deemed sufficient notice thereof.

62. All orders of the said commissioner shall be considered as made known to the said railway company by a notice thereof signed by him, and delivered to the president, vice-president, managing director, secretary, or superintendent of the said company, or at the office of the said company. C. S. C. c. 66, s. 157; 37 V. c. 36, s. 1.

Notice of accidents to be given to the Commissioner of Public Works.

63. Every railway company shall, as soon as possible, and at least within forty-eight hours after the occurrence upon the railway belonging to such company of any accident attended with serious personal injury to any person using the same, or whereby any bridge, culvert, viaduct, or tunnel on or of the said railway has been broken or so damaged as to be impassable or unfit for immediate use, give notice thereof to the commissioner of public works; and if any company wilfully omits to give such notice, such company shall forfeit to Her Majesty the sum of two hundred dollars for every day during which the omission to give the same continues. C. S. C. c. 66, s. 189.

Return of accidents to be made semi-annually.

64. Every railway company shall, within ten days after the first days of January and July, in each and every year, make to the commissioner of public works, under the oath of the president, secretary, or superintendent of the company, a true and particular return of all accidents and

casualties (whether to life or property) which have occurred on the railway of the company during the half year next preceding each of the said periods respectively, setting forth :

1. The causes and natures of such accidents and casualties;
2. The points at which they occurred, and whether by night or by day;
3. The full extent thereof, and all particulars of the same; and

4. Shall also at the same time return a true copy of the existing by-laws of the company, and of their rules and regulations for the management of the company and of their railway. C. S. C. c. 66, s. 174; 37 V. c. 36, s. 1.

65. The commissioner of public works may order and direct from time to time, the form in which such returns shall be made up, and may order and direct any railway company to make up and deliver to him from time to time, in addition to the said periodical returns, returns of serious accidents occurring in the course of the public traffic upon the railway belonging to such company, whether attended with personal injury or not, in such form and manner as the commissioner deems necessary and requires for his information with a view to the public safety. C. S. C. c. 66, s. 175; 37 V. c. 36, s. 1.

Form to be appointed by the commissioner.

66. If such returns so verified are not delivered within the respective times herein prescribed, or within fourteen days after the same have been so required by the commissioner, every company making default shall forfeit to Her Majesty the sum of one hundred dollars for every day during which the company neglects to deliver the same. C. S. C. c. 66, s. 176; 36 V. c. 36, s. 1.

Penalty for neglect.

67. All such returns shall be privileged communications, and shall not be evidence in any court whatsoever. C. S. C. c. 66, s. 177.

Such returns to be privileged communications.

RAILWAY INSPECTION FUND.

68. From the twenty-seventh of May, one thousand eight hundred and fifty-seven, every railway then or thereafter constructed shall, so soon as any portion thereof is

Railway inspection fund.

in use, pay to the treasurer of the province an annual rate, to be fixed by the Lieutenant-Governor in council, not exceeding ten dollars per mile of railway constructed and in use; such rate to be paid half yearly on the first days of January and July in each year, and to form a special fund for the purposes of this Act, to be called "The Railway Inspection Fund." C. S. C. c. 66, s. 191.

TRAFFIC ARRANGEMENTS.

One company may agree with another respecting traffic.

69. The directors of any railway company may at any time, and from time to time, make and enter into any agreement or arrangement with any other company, either in this province or elsewhere, for the regulation and interchange of traffic passing to and from the railways of the said companies, and for the working of the traffic over the said railways respectively, or for either of those objects separately, and for the division and apportionment of tolls, rates and charges in respect of such traffic, and generally in relation to the management and working of the railways, or any of them, or any part thereof, and of any railway or railways in connection therewith, for any term not exceeding twenty-one years, and to provide, either by proxy or otherwise, for the appointment of a joint committee or committees for the better carrying into effect any such agreement or arrangement, with such powers and functions as may be considered necessary or expedient, subject to the consent of two-thirds of the shareholders voting in person or by proxy; but the provisions of this section shall not apply to anything done before the thirtieth of June, one thousand eight hundred and fifty-eight. C. S. C. c. 66, ss. 131, 132.

Railway companies must afford each other every facility for the forwarding of traffic, without preference or favour.

70. Every railway company shall, according to their respective powers, afford all reasonable facilities to any other railway company for the receiving and forwarding and delivering of traffic upon and from the several railways belonging to or worked by such companies respectively, and for the return of carriages, trucks, and other vehicles; and no such company shall give or continue any preference or advantage to or in favour of any particular company, or any particular description of traffic, in any respect whatsoever, nor shall any such company subject any particular company or any particular description of traffic to any prejudice or disadvantage in any respect whatsoever; and every railway company having or working a

railway which forms part of a continuous line of railway, or which intersects any other railway, or which has any terminus, station or wharf of the one near any terminus, station, or wharf of the other, shall afford all due and reasonable facilities for receiving and forwarding by the one of such railways, all the traffic arriving by the other, without any unreasonable delay, and without any such preference or advantage, or prejudice or disadvantage as aforesaid, and so that no obstruction may be offered in the using of such railway as a continuous line of communication, and so that all reasonable accommodation may at all times, by the means aforesaid, be mutually afforded by and to the said several railway companies.

2. Any agreement between any two or more railway companies contrary to the foregoing provisions, made since the eighteenth day of May, one thousand eight hundred and sixty-one, or after the passing of this Act, shall be unlawful, null, and void. Agreements made in contravention of this section, to be void. 24 V. c. 17. s. 4.

71. If any officer, servant, or agent of any railway company, having the superintendence of the traffic at any station or depot thereof, refuses or neglects to receive, convey, or deliver at any station or depot of the company for which they may be destined, any passenger, goods, or things, brought, conveyed, or delivered to him or to such company, for conveyance over or along the railway from that of any other company, intersecting or coming near to such first mentioned railway, or in any way wilfully contravenes the provisions of the next preceding section,—such first mentioned railway company, or such officer, servant, or agent, personally, shall, for each such neglect or refusal, incur a penalty not exceeding fifty dollars over and above the actual damages sustained; which penalty may be recovered, with costs, in a summary way, before any justice of the peace, by the railway company or any other party aggrieved by such neglect or refusal, and to and for the use and benefit of such company or other party so aggrieved. Penalty on companies or their officers refusing or neglecting to forward traffic, as above required. 24 V. c. 17, s. 5. How recoverable and how to be applied.

72. For the purposes of the two next preceding sections,—Interpretation of word "Traffic," "Railway," "Railway Company," etc.

(1.) "Traffic" shall include not only passengers and their baggage, goods, animals, and things conveyed by railway, but also cars, trucks, and vehicles of any description adapted for running over any railway;

(2.) "Railway" shall include all stations and depots of the railway ;

(3.) "Railway Company" shall include all parties owning, leasing, or working any railway ;

and a railway shall be deemed to come near another when some part of the one is within one mile of some part of the other. 24 V. c. 17, s. 6.

APPOINTMENT OF RAILWAY CONSTABLES.

Constables may be appointed to act on the line of any railway, and how.

73. The justices of the peace for any county assembled at any General Sessions of the Peace, on the application of the board of directors of any railway company whose railway passes within the local jurisdiction of such justice of the peace, on the application of any clerk or agent of such company thereto authorized by such board, may, in their or his discretion, appoint any persons recommended to them for that purpose by such board of directors, clerk or agent, to act as constables on and along such railway ; and every person so appointed shall take an oath or make a solemn declaration in the form or to the effect following—that is to say :

Oath of office.

"I, A. B., having been appointed a constable to act upon and along "*(here name the railway)*", under the provisions of "*The Railway Act of Ontario*," do swear that I will well and truly serve our Sovereign Lady the Queen, in the said office of constable, without favour or affection, malice or ill-will, and that I will, to the best of my power, cause the peace to be kept, and prevent all offences against the peace, and that while I continue to hold the said office, I will, to the best of my skill and knowledge, discharge the duties thereof faithfully, according to law. So help me God."

By whom to be administered.

2. Such oath or declaration shall be administered by any one such justice. 23 V. c. 29, s. 1, *part*.

Powers of such constables, and to what localities they shall extend.

74. Every constable so appointed, and having taken such oath or made such declaration as aforesaid, shall have full power to act as a constable for the preservation of the peace and for the security of persons and property against felonies and other unlawful acts on such railway, and on any of the works belonging thereto, and on and about any trains, roads, wharves, quays, landing-places, warehouses, lands, and premises, belonging to such company, whether the same be in the county, city, district, or other local jurisdiction within which he was appointed, or in any other place through which such railway passes, or in which the

same terminates, or through or to which any railway passes which is worked or leased by such railway company, and in all places not more than one quarter of a mile distant from such railway or railways; and shall have all the powers, protections, and privileges for the apprehending of offenders, as well by night as by day, and for doing all things for the prevention, discovery, and prosecution of felonies and other offences, and for keeping the peace, which any constable duly appointed has within his constablewick. 23 V. c. 29, s. 1, *part*.

75. It shall be lawful for any such constable to take such persons as may be punishable by summary conviction for any offence against the provisions of this Act, or of any of the Acts or by-laws affecting any such railway, before any justice or justices appointed for any county, city, district, or other local jurisdiction within which any such railway passes; and every such justice shall have authority to deal with all such cases, as though the offence had been committed and the person taken within the limits of his own local jurisdiction. 23 V. c. 29, s. 1.

76. Any two justices of the peace may dismiss any such constable who may be acting within their several jurisdictions; and the board of directors of such railway company, or any clerk or agent of such company thereto authorized by such board, may dismiss any such constable who may be acting on such railway; and upon every such dismissal, all powers, protections, and privileges belonging to any such person, by reason of such appointment, shall wholly cease; and no person so dismissed shall be again appointed or act as a constable for such railway without the consent of the authority by which he was dismissed. 23 V. c. 29, s. 2.

77. Every such railway company shall cause to be recorded in the office of the clerk of the peace for every county, or other local jurisdiction wherein such railway or railways pass, the name and designation of every constable so appointed at their instance, the date of his appointment, and the authority making it, and also the fact of every dismissal of any such constable, the date thereof and the authority making the same, within one week after the date of such appointment or dismissal, as the case may be; and every such clerk of the peace shall keep such record in a book to be open to public inspection, charging such fee

Duties of such constables.

Dismissal of any such constable.

Record of appointment of such constable to be kept.

Fees.

or fees only as the Lieutenant-Governor in council from time to time authorizes, and in such form as the Lieutenant-Governor in council from time to time directs. 23 V. c. 29, s. 3.

Punishment
of constables
guilty of neg-
lect of duty.

78. Every such constable who is guilty of any neglect or breach of duty in his office of constable, shall be liable, on summary conviction thereof within any county, city, district, or other local jurisdiction wherein such railway passes, to a penalty of not more than eighty dollars, the amount of which penalty may be deducted from any salary due to such offender, if such constable is in receipt of a salary from the railway company, or to imprisonment, with or without hard labour, for not more than two months, in the gaol of such county, city, district, or other local jurisdiction, 23 V. c. 29, s. 4.

[Section 5 of 23 V. c. 29, enacts as follows:—

And of per-
sons resisting
them.

5. Every person who shall assault or resist any constable appointed as aforesaid, in the execution of his duty, or who shall incite any person so to assault or resist, shall for every such offence, be liable, on like summary conviction, to a penalty of not more than eighty dollars, or to imprisonment, with or without hard labour for not more than two months, in such gaol as aforesaid.]

GENERAL PROVISIONS.

Companies to
make by-laws
for regulation
of conductors
and other offi-
cers, &c.

79. Every railway company shall make such by-laws, rules and regulations, to be observed by the conductors, engine drivers, and other officers and servants of the company, and by all other companies and persons using the railway of such company, and such regulations with regard to the construction of the carriages and other vehicles to be used in such trains on the railway of the company, as are requisite for ensuring the employment and proper use of the aforesaid means of communication, application and disconnection. C. S. C. c. 66, s. 172.

Company may
impose penal-
ties for con-
travention of
by-laws.

80. Any railway company may by a by-law impose upon any officer, servant or person who before the contravention of such by-law has had notice thereof and is employed by the company, a forfeiture to the company of not more than thirty days' pay of such officer or servant, for any contravention of such by-law, and may retain any such forfeiture out of the salary or wages of the offender. C. S. C. c. 66, s. 162.

81. The notice of the by-law or of any order or notice of the commissioner of public works may be proved by proving the delivery of a copy thereof to the officer, servant, or person, or that he signed a copy thereof or that a copy thereof was posted in some place where his work or his duties, or some of them, were to be performed. C. S. C. c. 66, s. 163; 37 V. c. 36. s. 1.

82. Such proof, with a proof of the contravention, shall be a full answer and defence for the company in any suit for the recovery from it of the amount so retained, and such forfeiture shall be over and above any penalty under the sections numbered one hundred and fifty-eight, to one hundred and sixty-one of chapter sixty-six of the Consolidated Statutes of Canada (a). C. S. C. c. 66, s. 164.

83. No such company shall cause any obstruction in or impede the free navigation of any river, stream, or canal to or across or along which their railway is carried. C. S. C. c. 66, s. 136.

84. If the railway is carried across any navigable river or canal, the company shall leave openings between the abutments or piers of their bridge or viaduct over the same, and shall make the same of such clear height above the surface of the water, or shall construct such draw-bridge or swing-bridge over the channel of the river, or over the whole width of the canal, and shall be subject to such regulations as to the opening of such swing-bridge or draw-bridge as the Lieutenant-Governor in council from time to time makes. C. S. C. c. 66, s. 137. 37 V. c. 36, s. 1.

85. It shall not be lawful for any such company to construct any wharf, bridge, pier, or other work upon or over any navigable river, lake, or canal, or upon the beach or bed or lands covered with the waters thereof, until they have first submitted the plan and proposed site of such work to the Lieutenant-Governor in council, and the same has been by him approved; and no deviation from such approved site and plan shall be made without his consent. C. S. C. c. 66, s. 138. 37 V. c. 36, s. 1.

86. Nothing contained in the three last preceding sections shall be construed to limit or affect any power expressly given to any railway company by its special

How notice of by-laws or orders may be proved.

When such proof, &c., to be a defence for the company.

C. S. C. c. 66, ss 158-161.

Not to impede navigation.

Railways crossing rivers, &c., regulated.

Plans to be submitted to Lieut-Governor in council.

Exception where special powers given by the Special Act.

(a) See p. 119.

Act of incorporation or any Special Act amending the same. C. S. C. c. 66, s. 139.

When a railway passes over a swing bridge, &c., train to stop for three minutes.

87. In all cases where a railway passes any draw or swing-bridge over a navigable river, canal, or stream which is subject to be opened for the purposes of navigation, the trains shall in every case be stopped at least three minutes, to ascertain from the bridge-tender that the said bridge is closed and in perfect order for passing, and in default of so stopping during the full period of three minutes the said railway company shall be subject to a fine or penalty of four hundred dollars. C. S. C. c. 66, s. 170.

Company to use the best apparatus for communication between conductors and engine-drivers, and for stopping or disconnecting cars, fixing seats in cars, &c.

88. Every railway company which runs trains upon the railway, for the conveyance of passengers, shall provide and cause to be used in and upon such trains such known apparatus and arrangements as best afford good and sufficient means of immediate communication between the conductors and the engine-drivers of such trains while the trains are in motion, and good and sufficient means of applying by the power of the steam-engine or otherwise at the will of the engine-driver, or other person appointed to such duty, the brakes to the truck-wheels of the locomotive or tender, or both, or of all or any of the cars or carriages composing the trains, and of disconnecting the locomotive, tender, and cars or carriages from each other by any such power or means, and also such apparatus and arrangements as best and most securely place and fix the seats or chairs in the cars or carriages, and shall alter such apparatus and arrangements, or supply new apparatus and arrangements from time to time as the commissioner of public works, with the sanction of the Lieutenant-Governor in council, may order. C. S. C. c. 66, s. 171 37 V. c. 36, s. 1.

Penalty for not complying with section 88.

89. Every railway company which fails to comply with any of the provisions contained in the last preceding section of this Act shall forfeit to Her Majesty a sum not exceeding two hundred dollars for every day during which such default continues. C. S. C. c. 66, s. 173.

Further precautions at level crossings.

90. Every railway company shall station an officer at every point on their line crossed on a level by any other railway, and no train shall proceed over such crossing until signal has been made to the conductor thereof that the way is clear. C. S. C. c. 66, s. 142.

91. Every locomotive or railway engine or train of cars, ^{Further pre-} shall, before it crosses the track of any ^{cautions when} other railway on a level, be stopped for at least the space ^{one railway} of three minutes. C. S. C. c. 66, s. 143. ^{crosses an-}
^{other on a}
^{level;}

92. No locomotive or railway engine shall pass in or ^{Or runs} through any thickly peopled portion of any city, town, or ^{through a} village at a speed greater than six miles per hour, unless ^{city, town,} the track is properly fenced. C. S. C. c. 66, s. 144. ^{&c.}

93. Whenever any train of cars is moving reversely in ^{Or moves re-} any city, town, or village, the locomotive being in the rear, ^{versely.} the company shall station on the last car in the train a person who shall warn parties, standing on or crossing the track of such railway, of the approach of such train, under a penalty of one hundred dollars for any contravention of the above provisions. C. S. C. c. 66, s. 145.

94. If the commissioner of public works orders any ^{Foot passen-} railway company to erect at or near or in lieu of any level ^{gers to use} crossing of a turnpike road, or other public highway, a foot- ^{footbridge if} bridge or foot-bridges over their railway for the purpose of ^{provided for} enabling persons passing on foot along such turnpike road ^{that purpose} or public highway to cross the railway by means of such ^{at level cross-} bridge or bridges, then, from and after the completion of ^{ings.} such foot-bridge or foot-bridges so required to be erected, and while the company keeps the same in good and sufficient repair, such level crossing shall not be used by foot passengers on the said turnpike road or public highway, except during the time when the same is used for the passage of carriages, carts, horses, or cattle along the said road. C. S. C. c. 66, s. 146; 37 V. c. 36, s. 1.

95. No horses, sheep, swine, or other cattle shall be per- ^{No cattle to} mitted to be at large upon any highway within a half mile ^{be allowed to} of the intersection of such highway with any railway on ^{be at large on} grade, unless such cattle are in charge of some person or ^{highway} persons to prevent their loitering or stopping on such high- ^{within half a} way at such intersection. C. S. C. c. 66, s. 147. ^{mile of any}
^{railway.}

96. All cattle found at large in contravention of the ^{Such cattle} last preceding section may, by any person finding the ^{may be im-} same at large, be impounded in the nearest pound to the ^{pounded.} place where the same are so found, and the pound-keeper with whom the same are so impounded shall detain the

same in the like manner, and subject to the like regulations as to the care and disposal thereof, as in the case of cattle impounded for trespass on private property. C. S. C. c. 66, s. 148.

If killed,
owner not en-
titled to any
action.

97. No person, any of whose cattle being at large, contrary to the provisions of the section aforesaid, are killed by any train at such point of intersection, shall have any action against any railway company in respect to the same being so killed. C. S. C. c. 66, s. 149.

Crossings to
be fenced.

98. At every road and farm crossing on the grade of the railways in this province, the crossing shall be sufficiently fenced on both sides of such points, so as to allow the safe passage of the trains. C. S. C. c. 66, s. 150.

Ground ad-
joining any
railway and
belonging to
the company
to be laid
down with
grass and
cleared of
weeds, &c.

99. Every railway company, whether any of the clauses or provisions of this Act are or are not incorporated with the Act incorporating such company, shall cause all cleared land or ground adjoining their railway and belonging to such company to be sown or laid down with grass or turf, and cause the same so far as may be in their power to be covered with grass or turf, if not already so covered, and cause all thistles and other noxious weeds growing on such land or ground, to be cut down and kept constantly cut down or to be rooted out of the same. C. S. C. c. 66, s. 134.

Consequences
of omitting to
do so.

100. If any railway company fails to comply with the requirements of the last preceding section within twenty days after they have been required to comply with the same, by notice from the mayor, reeve or chief officer of the municipality of the township or county in which the land or ground lies, such company shall thereby incur a penalty of two dollars to the use of the municipality for each day during which they neglect to do any thing which they are lawfully required to do by such notice, and the said mayor, reeve or chief officer may cause all things to be done which the said company were lawfully required to do by such notice, and for that purpose may enter by himself and his assistants or workmen upon such lands or grounds, and such municipality may recover the expenses and charges incurred in so doing and the said penalty, with costs of suit, in any court having jurisdiction in civil cases to the amount sought to be recovered. C. S. C. c. 66, s. 135.

INTEREST OR RENT, WHEN TO BE DEEMED WORKING
EXPENSES.

101. The interest of the purchase money or rent of any real property acquired or leased by any railway company and necessary to the efficient working of such railway, and the price or purchase money of any real property or thing without which the railway could not be efficiently worked, shall be considered to be part of the expenses of working such railway, and shall be paid as such out of the earnings of the railway. 24 V. c. 17, s. 8.

Interest of purchase money or rent of property necessary for working a railway, to be deemed part of its working expenses.

PENAL CLAUSES.

[Sections 84 and 85 of C. S. C. c. 66, are as follows :—

84. Every person who, by any means or in any manner or way whatsoever, obstructs or interrupts the free use of the railway, or the carriages, vessels, engines, or other works incidental or relative thereto, or connected therewith, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment in the common gaol of the district or county where the conviction takes place, or in the provincial penitentiary, for a term not to exceed five years. 14, 15, V. c. 51, s. 20.

Penalty on persons obstructing free use of railway.

85. All persons wilfully and maliciously, and to the prejudice of the railway, breaking, throwing down, damaging, or destroying the same or any part thereof, or any of the buildings, stations, depots, wharves, vessels, fixtures, machinery, or other works or devices incidental and relative thereto, or connected therewith, or doing any other wilful hurt or mischief, or wilfully or maliciously obstructing or interrupting the free use of the railway, vessels, or works, or obstructing, hindering, or preventing the carrying on, completing, supporting, and maintaining the railway, vessels or works shall be guilty of a misdemeanor, unless the offence committed amounts under some other Act or law, to a felony, in which case such person shall be guilty of a felony, and the court by and before whom the person is tried and convicted, may cause such person to be punished in like manner as persons guilty of misdemeanor or felony (as the case may be) are directed to be punished by the laws in force in this province. 14, 15 V. c. 51, s. 20.]

Penalty on persons damaging railway.

[Sections 152-155 of C. S. C. c. 66, are as follows :—

152. If any person wilfully and maliciously displaces or removes any railway switch or rail of any railroad, or breaks down, rips up, injures or destroys any railroad track or railroad bridge or fence of any railroad, or any portion thereof, or places any obstruction whatsoever on any such rail or railroad track, or bridge, with intent thereby to injure any person or property passing over or along such railroad, or to endanger human life, such person shall be guilty of misdemeanor and punished by imprisonment with hard labour in the common gaol of the territorial division in which such offence is committed or tried, for any period not exceeding one year from conviction thereof; and if in consequence of such act done with the intent aforesaid, any person so passing over and along such

Punishment of persons doing anything to railway with intent to injure persons or property.

[Sections 158-160 of C. S. C. c. 66, are as follows:—

158. If any officer or servant of, or person employed by, any railway company, wilfully or negligently contravenes any by-law or regulation of the company lawfully made and in force, or any order or notice of the *Board of Railway Commissioners* (a), and of which a copy has been delivered to him, or has been posted up or open to his inspection in some place where his work or his duties, or any of them, are to be performed, then if such contravention causes injury to any property or to any person, or exposes any property or any person to the risk of injury, or renders such risk greater than it would have been without such contravention, although no actual injury occurs, such contravention shall be a misdemeanor, and the person convicted thereof, shall, in the discretion of the court before whom the conviction is had, and according as such court considers the offence proved to be more or less grave, or the injury or risk of injury to person or property to be more or less great, be punished by fine or imprisonment or both, so as no such fine exceeds four hundred dollars, nor any such imprisonment the term of five years; and such imprisonment, if for two years or upwards, shall be in the provincial penitentiary. 19, 20 V. c. 11, s. 1.

159. If such contravention does not cause injury to any property or person nor expose any person or property to the risk of injury nor make such risk greater than it would have been without such contravention, then the officer, servant, or person guilty thereof shall thereby incur a penalty not exceeding the amount of thirty days' pay, nor less than fifteen days' pay of the offender from the company, in the discretion of the justice of the peace before whom the conviction is had; and such penalty shall be recoverable with costs before any one justice of the peace having jurisdiction where the offence has been committed, or where the offender is found on the oath of one credible witness other than the informer. 19, 20, V. c. 11, s. 1.

160. One moiety of such penalty shall belong to Her Majesty for the public uses of the Province, and the other moiety to the informer, unless he be an officer or servant of, or person in the employ of the company, in which case he shall be a competent witness, and the whole penalty shall belong to Her Majesty for the uses aforesaid. 19, 20 V. c. 11, s. 1.

102. The company may in all cases under this Act, or under chapter sixty-six of the Consolidated Statutes of Canada, pay the amount of any penalty and costs imposed upon an officer, servant, or person in the employ of the company, and recover the same from the offender, or deduct it from his salary or pay. C. S. C. c. 66, s. 161.

103. All penalties incurred under any of the sections of this Act in the thirty-eighth section referred to, may be recovered in the name of Her Majesty, by Her Majesty's

(a) The commissioner of public works now performs the duties of the former board of railway commissioners. See 37 V. c. 36, and Rev. Stat. c. 165, ss. 44, *et seq.*

Attorney-General for Ontario, in any court having competent jurisdiction thereover ; and all penalties recovered under the other sections of this Act shall, unless otherwise herein expressly provided, be paid to the treasurer of the province to the credit of "The Railway Inspection Fund."

C. S. C. c. 66, s. 193.

R. S. O. CAP. 166.**An Act respecting Aid to Railways**

The Railway Fund, s. 1.	When payments may be made and mode of payment, ss. 9-13.
The Railway Subsidy Fund, s. 2.	Annuling Order, s. 14.
Payment from such Funds :	The Railway Land Subsidy Fund, ss. 15-21.
From Railway Fund, s. 3.	Aid to certain Railways, ss. 22-24.
From Railway Subsidy Fund, s. 4.	Conditions on which aid granted, s. 22.
Proof required, s. 5.	Aid to Railways extending from Muskoka to Canadian Pacific Railway, s. 25.
Railways not to be aided out of both Funds, s. 6.	Mode of Grouping Municipalities in obtaining municipal bonuses, s. 26.
Orders in Council to be submitted to Legislature, s. 7.	
Orders in Council to be published in <i>Gazette</i> , s. 8.	

WHEREAS it has been deemed expedient to give aid Preamble.
towards the construction of railways leading to or through sections of the country remote from existing thoroughfares, or passing through thinly settled tracts, or leading to the free grant territory, or to the inland waters ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

THE RAILWAY FUND.

1. Whereas for the purposes in the preamble mentioned the sum of one million nine hundred thousand dollars has heretofore been set apart from and out of the consolidated revenue fund of this province, to form the fund designated and known as “ the railway fund,” the said fund shall continue to be so designated and known. See 34 V. c. 2, s. 1 ; 35 V. c. 24, s. 1.

THE RAILWAY SUBSIDY FUND.

2. In addition to the sum of one hundred thousand dollars set apart yearly, during the years 1872, 1873, 1874, 1875, 1876, and 1877, there shall also be set apart from the “ Railway Subsidy Fund” established.

and out of the consolidated revenue fund of this province, for the further period of fourteen years, the like sum yearly, the whole to form a fund to be designated and known as "the railway subsidy fund." 35 V. c. 24, s. 2.

PAYMENTS FROM SUCH FUNDS.

Lieutenant-Governor in council may grant aid to certain railways.

3. From and out of such portion of the said railway fund as may be unappropriated the Lieutenant-Governor in council may by order in council, authorize payments to be made from time to time to any incorporated railway company of the description mentioned in the preamble of this Act, of a sum or sums of not less than two thousand dollars per mile nor more than four thousand dollars per mile of any portion or portions of such railway.

Lieutenant Governor in council may grant aid to certain railways.

4. From and out of such portion of the said railway subsidy fund as may be unappropriated the Lieutenant-Governor in council may, by order in council, authorize payments to be made from time to time to any such incorporated railway company as aforesaid of a sum or sums at the rate of not less than one hundred and twenty dollars, or more than two hundred and forty dollars per mile per annum for twenty years on the portion aided. 35 V. c. 24, ss. 3 & 4.

Proof to be furnished by railway asking aid.

5. No such authority shall be given in respect of any portion of a railway for the construction of which portion a contract has been entered into prior to the seventh day of December in the year of our Lord one thousand eight hundred and seventy, nor until the company desirous of obtaining aid and payment out of the said funds, has furnished proof, to the satisfaction of the Lieutenant-Governor in council, that the *bona fide* subscribed capital of the company, together with any bonuses or loans by municipal corporations thereto, and the proceeds of bonds to be issued or authorized by the Act incorporating the company or any Act amending the same, leaves no reasonable doubt that such road, or portion or portions thereof in respect of which payment is to be made, will be commenced and completed, including sidings and station houses, so as to be ready for the rolling stock within the period mentioned in such Act or Acts for the completion of the railway; and that any such Act or Acts authorizes the construction of a railway of the description mentioned in the preamble of this Act. 34 V. c. 2, s. 3; 35 V. c. 24, ss. 3 & 7.

6. No railway company any portion of whose line is aided from the railway fund shall be entitled to aid from the railway subsidy fund in respect of such portion. 35 V. c. 24, s. 6. Railways not to be aided from both funds.

7. Every order in council made after the seventh day of December, in the year one thousand eight hundred and seventy-one, or after this Act takes effect, authorizing payment to any railway company of any part of the said funds shall, as soon as conveniently may be after the making of such order, be laid before the Legislative Assembly for its ratification or rejection; and no such order shall be operative unless and until the same has been ratified by a resolution of the Legislative Assembly. 35 V. c. 23, s. 1. Orders in council appropriating railway funds to be submitted to the legislature.

8. Every order in council made under the provisions of this Act shall be published in the next following issue of the *Ontario Gazette*. 35 V. c. 23, s. 2. Orders to be published.

9. Payments may be made out of either of the said funds after the commissioner of public works has reported, for the information of the Lieutenant-Governor in council, that the company has completed the portion of its road in respect of which payment is to be made, including sidings and stations, within the period for completion of the road, named in the Act or Acts relating thereto; but no payment shall be made under any such authority till the said commissioner has reported as aforesaid. 34 V. c. 2, s. 2; 35 V. c. 24, ss. 3 & 7. Payments, when to be made. Proviso.

10. Scrip or certificates may be issued in respect of any grant out of the railway subsidy fund after payment thereof has been duly authorized, and the commissioner of public works has duly reported as provided by the next preceding section of this Act. 35 V. c. 24, s. 5. Scrip.

11. The certificates issued to any railway company in respect of any grant out of the railway subsidy fund may be in the form given in schedule A to this Act, or to the like effect; and when signed by the treasurer of this province and the accountant in his department, and countersigned by the auditor, any such certificate shall be valid and binding on the province, according to its tenor and effect; and it shall not be necessary for any transferee in good faith of such certificate to enquire into, or obtain proof of any fact stated therein, all of which shall be deemed conclusive, as against the province, in favour of such transferee. 39 V. c. 22, s. 7. Form of certificates.

On fulfilment of conditions of the order in council, payment may be directed.

Equivalent of yearly payment to payment in hand.

Direction to pay.

Charge created by the order.

Annulling the order.

12. Every order in council made under the provisions of this Act, which is or becomes operative by the ratification of the Legislative Assembly, shall be so construed and read that upon the fulfilment of the conditions contained in such order in council, the Lieutenant-Governor in council may, at his option, direct that the payment of the said order in council authorized may be made out of the railway fund, or out of the railway subsidy fund, from any part of the said funds respectively which has not been exhausted by actual payments directed to be made thereout by orders in council; and in directing the said payment at the yearly rate of one hundred and ninety-four dollars forty cents per mile of railway, payable half yearly for the full period of twenty years, computed from the first day of January, one thousand eight hundred and seventy-two, such yearly payment shall be deemed and taken as equivalent to the payment in hand at the rate of two thousand dollars per mile of railway, and *vice versa*, and in the like proportion where the grant in aid per mile is greater or less than at the said rate of two thousand dollars per mile, or the said yearly rate of one hundred and ninety-four dollars forty cents per mile, notwithstanding the same may be less than one hundred and twenty or in excess of two hundred and forty dollars per annum. 37 V. c. 37, s. 1.

13. In every case where the conditions of the order in council in respect of the grant of aid have been fulfilled, and the railway company is entitled to actual payment in hand or its equivalent yearly payments, the Lieutenant-Governor in council may, by order in council, direct that such payments may be made out of the said respective railway funds to such railway company accordingly; and such order in council shall operate to charge in favour of such railway company, the fund out of which such payment or payments is or are directed to be made, with the payment or payments thereof; and such railway company shall thereupon become entitled to payment of the said amounts at the times and in the manner mentioned in such order in council without any abatement. 37 V. c. 37, s. 2.

14. In any case where an Order in Council is passed under the provisions of this Act, and is operative by the ratification of the Legislative Assembly, and has not lapsed through the non-performance or non-observance of any of the conditions in that behalf in the said order contained, the Lieutenant-Governor nevertheless upon being

satisfied that there is no reasonable doubt that such railway or portion or portions thereof in respect of which the grant of aid is made, will not be completed within the period mentioned in the Act incorporating such railway company and limited for the completion of such railway or of such portion or portions thereof, may, by order in council, declare that the said order in council for the grant of aid ought to become null and void in respect of the railway or portion or portions thereof so incomplected, and that the said grant of aid should lapse, and, upon the ratification of such order by resolution of the Legislative Assembly, the said order in council for grant of aid, and the said grant of aid in respect of said incomplected railway or portion or portions thereof shall be annulled and avoided accordingly. 37 V. c. 37, s. 3.

RAILWAY LAND SUBSIDY FUND.

15. Whereas the construction of colonization railways will promote the settlement, and increase the value, of certain unsettled lands in the Free Grant Territory of the Province; and whereas it is desirable that a portion of the said lands should be set apart and sold for the purpose of forming a fund to recoup the province in respect of moneys expended in aiding railways—there is hereby set apart for the purpose of being sold and the proceeds applied to form the fund aforesaid, a tract of land at least ten miles in width on each side of the present projected line of the Victoria Railway, or on each side of the line of the said railway as the same may hereafter be finally located and established, which tract shall extend from the northern boundary of the townships of Ayr and Clyde to the river Ottawa at or near the mouth of the Mattawan river. 40 V. c. 14, s. 5.

16. The said lands so set apart as aforesaid, shall be sold at such price not less than two dollars per acre, and on such terms and conditions otherwise, as the Lieutenant-Governor may from time to time determine. 40 V. c. 14, s. 6.

17. The moneys arising from the sale of the land so set apart, shall constitute a fund to be called "The Railway Land Subsidy Fund," and a separate account of the same shall be kept by the Treasurer of the Province. 40 V. c. 14, s. 7.

Application
of fund.

18. The said Railway Land Subsidy Fund shall be applied as follows :

(a) The cost and expenses of the collection of the said fund shall form and be the first charge thereon.

(b) The remainder of the said fund shall be applied in or towards payment of the moneys by this Act granted, or which may hereafter be granted in aid of railways. 40 V. c. 14, s. 8.

Pine trees
reserved.

19. All pine trees upon the said lands shall be reserved from sale, and the proceeds of the sale of the said trees shall form no part of the said Railway Land Subsidy Fund. 40 V. c. 14, s. 9.

Reduction of
price of lands
not worth \$2
an acre.

20. In case after the said lands are placed in the market, the commissioner of crown lands reports in writing that any particular portion or portions of the land so set apart is or are not worth two dollars per acre, it shall be lawful for the Lieutenant-Governor in Council to reduce the said price, and the same may thereafter be sold at such reduced rate. 40 V. c. 14, s. 10.

Lands so set
apart may be
disposed of by
way of free
grants for
right of way.

21. Notwithstanding anything herein contained, the Lieutenant-Governor in council may dispose, by way of free grants, of any of the lands so set apart as aforesaid, for the right of way of any railway, or for railway stations or workshops ; or lands necessarily required for constructing or working any railway, or any other lands required for public purposes, and to which the Lieutenant-Governor in council may deem it to be in the public interest to make free grants. 40 V. c. 14, s. 11.

AID TO CERTAIN RAILWAYS.

Railway
companies
granted aid
out of the
Con. Rev.
Fund.

22. *Firstly.* Whereas subject to the conditions herein-after mentioned, aid has heretofore been granted out of the Consolidated Revenue Fund to the undermentioned railway companies for the construction of the portions of railway hereinafter mentioned, as follows, that is to say :—

(1.) The Lake Simcoe Junction Railway Company, from Stouffville on the Toronto and Nipissing Railway to Jackson's Point Lake Simcoe, distance of about twenty-six and one-half miles, at the rate of two thousand dollars per mile;

(2.) The Belleville and North Hastings Railway Company, from the point of junction with the Grand Junction Railway, for a distance of twenty-two miles northerly, at the rate of three thousand dollars per mile ;

(3.) The Cobourg, Peterborough, and Marmora Railway Company, for the distance between Harwood and Ashburnham, about thirteen miles, at the rate of two thousand dollars per mile ;

(4.) The Credit Valley Railway Company, for the distance between the Brock road and Ingersoll, fifty-two and one-half miles, at the rate of two thousand dollars per mile ; and for the distance between Cataract and Elora twenty-seven and one-half miles, at the rate of two thousand dollars per mile ;

(5.) The Stratford and Lake Huron Railway Company, for the distance between Stratford and Listowel, about twenty-five miles, at the rate of two thousand dollars per mile ; 39 V. c. 22, s. 1.

Secondly.—And whereas, subject to the conditions hereinafter mentioned, increased aid has heretofore been granted out of the Consolidated Revenue Fund to the following railway companies to ensure the completion of the portions of railway hereinafter mentioned, that is to say :—

(1.) The Victoria Railway Company, from the town of Lindsay to Kinmount, a distance of about thirty-three miles, at the rate of one thousand dollars per mile ;

(2.) The Montreal and City of Ottawa Junction Railway Company, from the boundary line between Ontario and Quebec, to or near the city of Ottawa a distance of about sixty-six miles, at the rate of one thousand dollars per mile.

(3.) The Midland Railway Company, from Waubashene to Midland Bay, a distance of about thirteen miles, at the rate of one thousand seven hundred and fifty dollars per mile ;

(4.) The Grand Junction Railway Company, from the point of present completion, near Stirling, to Peterborough, a distance of about forty-five miles, at the rate of one thousand dollars per mile ;

(5.) The Kingston and Pembroke Railway Company, for the distance of about sixteen miles, between Sharbot Lake and the River Mississippi, at the rate of three thousand and seven hundred and fifty dollars per mile ; 39 V. c. 22, s. 2.

Aid to certain
other rail-
ways.

Thirdly.—And whereas, subject to the conditions herein-after mentioned, aid has heretofore been granted out of the Consolidated Revenue Fund to the undermentioned railway companies for the construction of the portions of railway hereinafter mentioned, that is to say :

(1.) The Victoria Railway Company, from Kinmount Village to Haliburton, a distance of about twenty-two miles, at the rate of six hundred and ninety-two dollars and sixteen cents per mile, per annum, payable half-yearly for twenty years.

(2.) The Whitby and Port Perry Railway Company, from Port Perry to Lindsay, distance of about twenty-seven miles, at the rate of one hundred and seventy-three dollars and four cents per mile, per annum, payable half-yearly for twenty years.

(3.) The Prince Arthur's Landing and Kaministiquia River Railway Company, from Prince Arthur's Landing to Fort William, a distance of about six miles, at the rate of one hundred and seventy-three dollars and four cents per mile, per annum, payable half-yearly for twenty years.

(4.) The Kingston and Pembroke Railway Company, from the Mississippi River to the Madawaska River, a distance of about thirty miles, at the rate of six hundred and ninety-two dollars and sixteen cents per mile, per annum, payable half-yearly for twenty years.

(5.) The Credit Valley Railway Company, from Toronto to Ingersoll, and its branches from Streetsville to Alton, and from Cataract to Elora, being in all a distance of about one hundred and fifty-two and a half miles, at the rate of eighty-six dollars and fifty-two cents per mile, per annum, payable half-yearly for twenty years ; such last mentioned aid being in addition to former grants to this company.

(6.) The Montreal and City of Ottawa Junction Railway Company, from the boundary line between Ontario and Quebec, to or near the city of Ottawa, a distance of about sixty-six miles, at the rate of eighty-six dollars and fifty-

two cents per mile, per annum, payable half-yearly for twenty years; such last mentioned aid being in addition to former grants to this company; 40 V. c. 14, s. 1.

Therefore it is hereby enacted as follows:—

All of the said grants of aid are respectively subject to the following conditions:—

1. The Lieutenant-Governor in council may require any railway company so aided to enter into an agreement or agreements with any other railway company or companies containing such terms and details as the Lieutenant-Governor in council may approve of, in order to secure running powers or rights of user to such company or companies over the line or portion of line of railway of the company aided under this Act, or under former Acts, in the discretion of the Lieutenant-Governor in council, for the haulage thereover of the cars and traffic of such other company or, companies upon such terms as, in default of agreement between the respective companies, may be settled by the Lieutenant-Governor in council. 39 V. c. 22, s. 3 (1); 40 V. c. 14, s. 3 (1). Conditions upon which grants of aid are granted.

2. No payment shall be made to any of the above named companies in respect of the said grants of aid for any portion of their railway until the commissioner of public works has reported to the Lieutenant-Governor in council that such company has completed such portion of its road in respect of which payment is to be made (including such sidings and station houses as the commissioner may think necessary for the accommodation of the public,) within the period for completing the railway or portion thereof named in the Acts relating to the company, or by this Act or within such other period as may by this Act or any other Act be fixed for such purpose. 39 V. c. 22, s. 3 (2); 40 V. c. 14, s. 3 (2).

3. Payments may be made as portions of the railway, not less than ten continuous miles, are completed, as aforesaid, and in cases where the whole distance aided is less than ten miles, then for such distance. 39 V. c. 21, s. 3 (3); 40 V. c. 14, s. 3. (3) & s. 4, *part*.

4. The increased grants of aid to the Grand Junction Railway Company, and Kingston and Pembroke Railway

Company respectively, are to be paid out of the appropriations heretofore made out of the Railway Fund by Orders in Council in favour of said companies respectively, so far as the respective amounts may be sufficient, and are payable for portions of the respective railways not yet completed and which extended beyond the portions for which increased aid is granted under this Act. 39 V. c. 22, s. 3.

Scrip certificates.

5. After a company has complied with the conditions necessary, and the commissioner has reported as aforesaid, scrip or certificates may be issued for and in respect of the said grant, which scrip or certificates may be in the form of Schedule B to this Act, or to the like effect; and when signed by the treasurer of this province and the accountant in his department, and countersigned by the auditor, every such certificate shall be valid and binding on the province, according to its tenor and effect; and it shall not be necessary for any transferee, in good faith, of such certificate to enquire into, or obtain proof of, any facts stated therein, all of which shall be deemed conclusive as against the province, in favour of such transferee. 40 V. c. 14, s. 3 (4).

Statistical information.

6. Each of the said companies shall furnish such information of the progress of the works on the railway of the company as may from time to time be required by the commissioner of public works, and also such statistical or other details, accounts, and information as from time to time may be required from them by the commissioner after completion of the railway. 40 V. c. 14, s. 3 (6).

Locations, grades, &c., subject to inspection by government engineers.

7. The location, grades, the widths and slopes of cuttings and embankments, the plans of bridges, culverts, buildings, and other structures, the weight and section of iron rails, and other details of proposed construction of the Colonization Railways herein mentioned, shall be subject to inspection and approval by the government engineer before the commencement of the works, as well as after completion. 40 V. c. 14, s. 3 (7).

Rails not to be removed without consent of Lieutenant-Governor.

8. In order to secure the continuous running of the railways aided by this Act, the iron or steel rails laid from time to time by any of the said railways, are not to be removed by the company or by the authority of the company without the consent of the Lieutenant-Governor in council obtained on the recommendation of the commissioner of public works. 40 V. c. 14, s. 3 (8).

9. The appropriation heretofore made to the Kingston and Pembroke Railway for that portion of the railway not yet under construction from the River Mississippi northward is hereby cancelled. 40 V. c. 14, s. 3 (9). Grant to portion of K. & P. Railway cancelled.

23. The payment in aid of the railways thirdly mentioned in section twenty-two of this Act, shall be computed in manner following, that is to say : Mode of payments of grants.

(a). If the portion of the railway for which payment is made, has been completed between the first day of January and the first day of July, the payments shall be computed as commencing on the first day of January of the preceding year :

(b) And if the portion for which the payment is made has been completed between the first day of July and the thirty-first day of December, the payments shall be computed as commencing on the first day of July of the preceding year. 40 V. c. 14, s. 2.

24. For the purposes of this Act, the times respectively limited for the completion of the railways or portions of railway aided as mentioned in the twenty-second section of this Act or under former Acts or Orders in council duly ratified, are hereby extended to the first day of January, one thousand eight hundred and eighty. 39 V. c. 22, s. 5; 40 V. c. 14 ; s. 4, *part*. Extension of time for completion of railways aided by this or former Acts.

25. The Lieutenant-Governor in council may also grant such bonus, subsidy or annual payment to any company now or hereafter to be incorporated, not in excess of a percent payment of eight thousand dollars per mile, in such mode and according to such terms and conditions as will secure the construction of a line of railway extending from a point in the district of Muskoka as far North as Gravenhurst, so as to connect the Ontario system of railways with the proposed line of the Canadian Pacific Railway (Georgian Bay Branch) at some point west of the eastern end of Lake Nipissing: the grant of such bonus, subsidy or annual payment to any company shall be provisional until sanctioned by resolution of the Legislative Assembly, and shall only be upon proper conditions for securing full running powers and other rights of user for other railways, and up on such other condition for securing the due application of the grant, and the construction of the railway, as the Lieutenant-Governor in council may require, and no agreement in the premises shall be operative until ratified by resolution of the Legislative Assembly. 39 V. c. 22, s. 4. Aid to railways extending from Muskoka to the Canadian Pacific railway.

Aid from portions of county municipalities.

26. Every railway company taking the benefit of any of the provisions mentioned or contained in the four next preceding sections of this Act, and having authority under any Act of this Legislature to obtain aid for such railway by grouping (a) two or more minor municipalities or sections thereof, shall thereafter be subject to the following provision :—

Grouping of minor municipalities.

2. Where a portion of the county municipality petitions to aid the railway, it shall be such portion only as consists of two or more minor municipalities or sections thereof, through which the line of railway is to be constructed, or which will be benefited thereby, and such minor municipality and section thereof shall lie contiguous; but no minor municipality or section thereof, which is subject to a county or other by-law in aid of the same railway, shall be thus grouped without the consent of the majority of the duly qualified voters therein expressed to that end, when voting upon the proposed by-law.

Proceedings in opposing the submission of by-law.

3. In case of aid from a county municipality or from a grouped portion thereof, twenty resident freeholders of the county or portion comprised in the proposed by-law (as the case may be) may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof comprised in the said by-law would be injuriously affected thereby, or upon any other ground ought not to be included therein, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the commissioner of public works, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof therefrom; and the decision of any two of them shall be final; and the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters; and the expense of the reference shall be borne by the railway company or the county, as the arbitrators may order.

Arbitrators.

Costs.

Rate to be levied only on the part of the municipality

4. In the case of a portion of the county municipality being formed into a group, the by-law to be submitted shall be that of the county, but the rate to be levied for payment

(a) See 43 V. c. 27, ss. 16 and 17, p. 144.

of the debentures issued thereunder, and the interest thereon shall be assessed and levied upon such portions only of the county municipality, and the voting thereon shall be limited to the duly qualified voters in such portions only. ^{granting bonus.}

5. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township or incorporated village situate in the county municipality. ^{Interpretation of words "minor municipality."}

6. Before any such by-law is submitted, the railway company shall deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting the by-law. ^{Deposit by company to meet expenses.}

7. In case the by-law submitted is not approved of, no other by-law which is in substance the same shall be submitted to the voters of the same municipality or portions of the county municipality until after the expiration of six months from such rejection. ^{On rejection of by-law none other to be submitted for six months}

8. The foregoing provisions of this section shall not apply to or affect any municipal by-law respecting portions of municipalities which had before the tenth day of February, 1876, been duly passed, or was at the said date being submitted to the vote of the ratepayers. 39 V. c. 22. s. 6; 40 V. c. 14, s. 3 (5). ^{This section not retrospective in certain cases.}

SCHEDULE "A."

(Section 11.)

FORM OF CERTIFICATE FOR PAYMENT.

PROVINCE OF ONTARIO.

CANADA.

Railway Subsidy Fund. Certificate of Payment.

No.

\$

This is to certify that under and by virtue of certain Orders made by the Lieutenant-Governor of the Province of Ontario in council, and dated respectively the _____ passed and duly ratified by the Legislative Assembly, under the provisions of an Act of the said Province, intituled "*An Act respecting Aid to Railways,*" being chapter one hundred and sixty-six of "*The Revised Statutes of Ontario,*" the _____ railway company is entitled to receive from the Province of Ontario a semi-annual subsidy of _____ dollars, payable on the thirtieth day of June and the thirty-first day of December in each and every year, until and inclusive of the thirty-first day of

December, one thousand eight hundred and ninety-one ; and it is hereby further certified that the Province of Ontario will, upon the day of one thousand eight hundred and and upon the delivery of this certificate to the treasurer of the said Province, at Toronto, pay to the said railway company or its assigns the sum of dollars and cents, being the amount of subsidy payable to the said company upon such day.

This certificate and any interest on the sum mentioned therein shall not pass or be transferable, except by transfer made by special endorsement hereon.

Issued by the Treasurer of Ontario, this day of A.D. 18 , in accordance with the order in council dated day of A.D. 18 .

Treasurer,

Countersigned by

Accountant..

Auditor.

SCHEDULE "B."

(Section 22, sub-section 5).

FORM OF CERTIFICATE FOR PAYMENT.

PROVINCE OF ONTARIO.

CANADA.

Railway Land Subsidy Fund—Certificate for Payment.

No.

This is to certify that under and by virtue of a certain order made by the Lieutenant-Governor of the Province of Ontario in council, and dated the under the provisions of an Act of the said province intituled "*An Act respecting aid to Railways,*" being chapter one hundred and sixty-six of the "Revised Statutes of Ontario," the railway company is entitled to receive from the Province of Ontario, a semi-annual subsidy of dollars, payable on the thirtieth day of June, and on the thirty-first day of December, in each and every year, until and inclusive of the thirty-first day of December, one thousand eight hundred and , and it is hereby further certified that the Province of Ontario will, upon the day of , one thousand eight hundred and , and upon the delivery of this certificate to the treasurer of the said province at Toronto, pay to the said company or its assigns the sum of dollars, and cents, being the amount of subsidy payable to the said company upon such day.

This certificate and any interest in the sum mentioned therein shall not pass or be transferable except by transfer made by special endorsement hereon.

Issued by the Treasurer of Ontario, this day of A.D. 18 , in accordance with order in council dated day of , A.D. 18 .

Treasurer.

Accountant.

Countersigned by

Auditor.

R. S. O. CAP. 174.

An Act respecting Municipal Institutions.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

* * * * *

TITLE IV.—POWERS OF MUNICIPAL COUNCILS AS TO RAILWAYS.

559. The council of every township, county, city, town, and incorporated village may pass by-laws—

By-laws may
be made for—

1. For subscribing for any number of shares in the capital stock of (a), or for lending to or guaranteeing the payment of any sum of money borrowed by an incorporated railway company to which the eighteenth section of the statute of the fourteenth and fifteenth Victoria, chapter fifty-one, or 14, 15 V. c. 61, sections seventy-five to seventy-eight inclusive of chapter sixty-six of the Consolidated Statutes of Canada, or the equivalent sections of "*The Railway Act of Ontario*," (b) have been or may be made applicable by any Special Act ; 36 V. c. 48, s. 471 (1).

Taking stock
in certain rail-
ways or guar-
anteeing
debentures.

2. For endorsing or guaranteeing the payment of any debenture to be issued by the company for the money by them borrowed, and for assessing and levying from time to time upon the whole ratable property of the municipality, a sufficient sum to discharge the debt or engagement so contracted ; 36 V. c. 48, s. 471 (2).

For guaran-
teeing the
payment of
debentures,
etc.

3. For issuing for the like purpose, debentures payable at such times, and for such sums respectively, not less than twenty dollars, and bearing or not bearing interest as the municipal council thinks meet ; 36 V. c. 48, s. 471 (3).

For issuing
debentures,
etc.

4. For granting bonuses to any railway company in aid of such railway, and for issuing debentures in the same manner as is in the preceding sub-section provided for raising money to meet such bonuses ; 36 V. c. 48, s. 471 (4).

Bonuses.

(a) See 31 V. c. 40, s. 9, p. 5.

(b) See R. S. O. c. 165, s. 31, p. 91.

Form of
debentures.

5. For directing the manner and form of signing or endorsing any debenture so issued, endorsed or guaranteed and of countersigning the same, and by what officer or person the same shall be so signed, endorsed, or countersigned respectively.

Subscription,
etc., to
be confirmed
by assent of
electors.

But no municipal corporation shall subscribe for stock or incur a debt or liability for the purposes aforesaid, unless the by-law before the final passing thereof receives the assent of the electors of the municipality in manner provided by this Act (a). 36 V. c. 48, s. 471 (5). (*See also Rev. Stat. c. 165, s. 31*) (3).

In certain
cases, head of
council to be
ex-officio
a director.

560. In case any municipal council subscribes for and holds stock in a railway company under section five hundred and fifty-nine to the amount of twenty thousand dollars or upwards, the head of the council shall be *ex-officio* one of the directors of the company, in addition to the number of directors authorized by the special Act, and shall have the same rights, powers and duties as the other directors of the company. 36 V. c. 48, s. 475. (*See also Rev. Stat. c. 165, s. 31*) (4).

By-laws
authorizing
branch
railways,
tram and
other rail-
ways along
highways.

561. The council of every township may pass by-laws for authorizing any railway company, in case such authority is necessary, to make a branch railway on property of the corporation, or on highways, under such conditions as the council sees fit, and subject to the restrictions contained in "*The Railway Act of Ontario*" (b); and any other Acts affecting such railway; and may also pass by-laws to authorize companies or individuals to construct tramways and other railways along any highway on such terms and conditions as the council sees fit. 36 V. c. 48, s. 476.

(a) R. S. O. c. 174, s. 286 *et seq.* See also 43 V. c. 27, ss. 16, 17, p. 144.

(b) See R. S. O. c. 165, s. 21, p. 76.

R. S. O. CAP. 180.**An Act respecting the Assessment of Property.**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

* * * * *

4. The real estate of all railway companies shall be considered as lands of residents, although the company has not an office in the municipality; except in cases where a company ceases to exercise its corporate powers, through insolvency or other cause. 32 V. c. 36, s. 7.

Real estate of railway companies, &c.

* * * * *

6. All land and personal property in this Province shall be liable to taxation subject to the following exceptions [*inter alia*.]

(18) The stock held by any person in any railroad company, the shares in building societies, and so much of the personal property of any person as is invested in any company incorporated for the purpose of lending money on the security of real estate: but the interest and dividends derived from shares in such building societies, or from investments in such companies as aforesaid, shall be liable to be assessed. 32 V. c. 36, s. 9 (17); 33 V. c. 27, s. 3.

Railroad and building society stock.

* * * * *

26. Every railway company shall annually transmit, on or before the first day of February, to the clerk of every municipality in which any part of the roadway or other real property of the company is situated, a statement showing :—

Railway companies to furnish certain statements to clerks of municipalities.

1. The quantity of land occupied by the roadway, and the actual value thereof, according to the average value of land in the locality, as rated on the assessment roll of the previous year;

2. The real property, other than the roadway in actual use and occupation by the company, and its value; and

3. The vacant land not in actual use by the company, and the value thereof, as if held for farming or gardening purposes ;

Duties of
clerks
thereon.

And the clerk of the municipality shall communicate such statement to the assessor, who shall deliver at, or transmit by post to, any station or office of the company a notice addressed to the company of the total amount at which he has assessed the real property of the company in his municipality or ward, showing the amount for each description of property mentioned in the above statement of the company ; and such statement and notice respectively shall be held to be the statement and notice required by the thirty-seventh and forty-first sections (a) of this Act. 32 V. c. 36, s. 33.

(a) R. S. O. c. 180, s. 37, enacts that it shall be the duty of every person assessable for real or personal property in any local municipality to give all necessary information to the assessors, and if required by the assessor or by one of the assessors if there is more than one, he shall deliver to him a statement in writing signed by such person (or by his agent if the person himself is absent) containing all the particulars respecting the real or personal property assessable against such person which are required in the assessment roll ; and if any reasonable doubt is entertained by the assessor of the correctness of any information given by the party applied to, the assessor shall require from him such written statement.

Section 41 enacts that every assessor before the completion of his roll shall leave for every party named thereon, resident or domiciled or having a place of business within the municipality, and shall transmit by post to every non-resident who has required his name to be entered thereon, and furnished his address to the clerk a notice of the sum at which his real and personal property has been assessed according to the form of Schedule B annexed to this Act, and shall enter on the roll opposite the name of the party, the time of delivering or transmitting such notice, which entry shall be *prima facie* evidence of such delivery or transmission.

41 VICT., CAP. 19.

An Act respecting the Registration of Railway Aid Scrip.

[Assented to 7th March, 1878.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The original holder of any scrip or certificate issued under sections ten and eleven, or the fifth sub-section of section twenty-two of chapter one hundred and sixty-six of the Revised Statutes of Ontario, intituled An Act respecting Aid to Railways, or any subsequent transferee of such scrip or certificate, may procure his name to be entered and registered in a book to be kept for that purpose in the office of the Treasurer of the Province of Ontario; and the last registered holder whose name appears upon such book of registration shall be *prima facie* deemed and taken to be the legal owner and possessor of such scrip or certificate. Registry of Scrip.
Last registered holder deemed owner.

2. The provincial treasurer, or his deputy, may, upon the request of the holder of any such scrip or certificate, who has procured his name to be entered and registered in such book of registration as the owner of such scrip or certificate, cause to be endorsed upon the scrip or certificate referred to in the said registration a certificate that such person is registered in the office of the provincial treasurer as the owner of such scrip or certificate, specifying the date of such registration and the folio wherein the same appears of record. Endorsement on scrip of ownership.

3. No such scrip or certificate, after a certificate of ownership signed by the provincial treasurer or his deputy has been endorsed thereon, shall be transferable, except by entry and registration of the name of the transferee in the book required to be kept under the first section of this Act, and the endorsement upon the said scrip or certificate, such entry and memorandum of registration, to be signed by the provincial treasurer or his deputy. How scrip to be transferred after certificate of ownership.

Registry and
entry not to
be made
except on
authority of
last regis-
tered owner.

4. No such entry and registration of any transfer of scrip or certificates shall be made in the said book of registry, except upon the written authority of the person last entered in such book as the owner of such scrip or certificate, or of his executors or administrators, or of his or their lawful attorney, which authority shall be duly filed in the office of the provincial treasurer.

42 VICT., CAP. 27.

An Act to amend The Railway Act of Ontario.

[Assented to 11th March, 1879.]

WHEREAS the Parliament of Canada has made adequate provision for certain cases dealt with by the fifteenth and sixteenth sub-sections of the ninth section of "The Railway Act of Ontario;" and whereas it is no longer expedient that certain of the provisions of the said sub-sections should apply to such cases : Preamble.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as as follows :

1. The sixteenth sub-section of the ninth section of "The Railway Act of Ontario," and the provisions for the ascertainment of compensation contained in the fifteenth sub-section of the said ninth section of said Act (a), shall no longer extend or apply to any railway incorporated under an Act of the Legislature of Ontario, in any case in which it is proposed that such railway shall cross, intersect, join, or unite with, or be crossed, intersected, joined, or united with a railway under the legislative control of Canada. Certain provisions of sub-ss. 15 and 16 of s. 9 of R. S. O. c. 165, not to apply in certain cases.

(a) See p. 61.

42 VICT., CAP. 28.

An Act to authorize the issuing of Scrip for Railway Grants in certain cases.

[Assented to 11th March, 1879.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

Aid to
railways may
be made by
annual pay-
ments for a
term of years
in lieu of one
gross sum.

1. Upon the application of any railway company entitled to receive aid out of the Consolidated Railway Fund by way of a gross payment per mile by virtue of the provisions of the Act passed in the thirty-ninth year of Her Majesty's reign, entitled "An Act respecting aid to certain Railways, and for other purposes," or of the provisions of the Act passed in the fortieth year of Her Majesty's reign, entitled "An Act respecting aid to certain Railways and the creation of a Railway Land Subsidy Fund," or of the provisions of the Act passed in the forty-first year of Her Majesty's reign, entitled "An Act respecting aid to certain Railways," the Lieutenant-Governor in council may, at his option direct, in lieu of such gross payment, that payment shall be made semi-annually to the said company at the yearly rate of one hundred and seventy-three dollars and four cents for the full period of twenty years for every sum of two thousand dollars to which such company is entitled by virtue of the said Acts or any of them, and in like proportion for every proportional part of two thousand dollars.

Time of
semi-annual
payments.

2. Such semi-annual payments of eighty-six dollars and fifty-two cents shall be made on the thirtieth day of June, and thirty-first day of December, of each year, and the time shall be computed in manner following, that is to say:

(a). If the portion of the railway for which payment is made, has been completed between the first day of January, and the first day of July, the payments shall be computed as commencing on the first day of January, of the preceding year.

(b). If the portion for which the payment is made has been completed between the first day of July, and the thirty-first day of December, the payment shall be computed as commencing on the first day of July, of the preceding year.

3. Scrip or certificates similar in form to the form of ^{Form of scrip} the certificate given in "Schedule A," of the said Act, ^{to be issued} passed in the forty-first year of Her Majesty's reign, ^{for such} entitled "An Act respecting aid to certain railways," may, ^{semi-annual} by direction of the Lieutenant-Governor in Council, be issued for such semi-annual payments, and the provisions of the fourth sub-section of the fourth section of the said last mentioned Act, shall apply to scrip or certificates issued under this Act.

43 VICT. CAP. 27.

An Act respecting Municipal Assessments and Exemptions.

[Assented to 5th March, 1880.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

Assessment of personal property of companies.

1. The personal property of an incorporated company, other than the companies mentioned in the second subsection of this section, shall be assessed against the company in the same manner as if the company were an unincorporated company or partnership;

(2) The personal property of a bank, or of a company which invests the whole or the principal part of its means in gas works, plank or gravel road, railway and tram-roads, harbours, or other works requiring the investment of the whole or principal part of its means in real estate, shall, as hitherto, be exempt from assessment; but the shareholders shall be assessed on the income derived from such companies;

(3) The twenty-ninth section of the Assessment Act is hereby repealed.

* * * * *

Provisions as to bonus by-law.

16. To render valid a by-law of any municipality for granting a bonus in aid of a railway or for promoting any manufacture, the assent shall be necessary of the majority of all ratepayers who were entitled to vote on the by-law; such assent to be ascertained as hitherto; and, in addition to the certificate required by the three hundred and tenth section of the Municipal Act, the clerk, in case of the majority of votes being in favour of the by-law, shall further certify whether or not, so far as shewn by the voters' list and assessment roll, such majority appears to be a majority of all the voters who were entitled to vote on the by-law; and, in case of dispute as to the result of the vote, the judge shall have the same powers for determining the question as he has in any case of a scrutiny of the votes;

(2) The petition to the judge may be by any elector, or by the council; and the proceedings for obtaining the judge's decision shall be the same, as nearly as may be, as in the case of a scrutiny;

(3) This section shall go into force on the thirty-first day of December next, and shall apply to all Acts passed during the present session of the Legislature, and to by-laws thereby authorized, for any of the said purposes, as well as to other Acts and any by-laws which may be hereafter passed thereunder.

17. So much of any enactment in private and other Acts heretofore passed, or passed at the present session of the Legislature, as authorizes or provides for the grouping or joining together of municipalities or a municipality or part of any municipalities or municipality with part of another municipality or parts of other municipalities for the purpose of granting municipal aid to any railway or railway company, is hereby repealed and declared to be inoperative. This section shall go into effect forthwith.

Grouping
clauses in
railway Acts
repealed.

* * * * *

44 VICT., CAP. 22.

An Act to make Provision for the Safety of Railway Employees and the Public.

[Assented to 4th March, 1881.]

Preamble.

WHEREAS frequent accidents to railway servants and others are occasioned by the neglect of railway companies to provide a fair and reasonable measure of protection against their occurrence; and whereas a proper construction of railway bridges, and certain precautions in the construction and maintenance of railway frogs, wing-rails, guard-rails, and freight cars, would greatly lessen, if not entirely prevent, the happening of such accidents:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as “The Railway Accidents Act, 1881.”

Application of Act.

2. This Act and the respective provisions thereof apply to every railway and railway company in respect of which the Legislature of Ontario has authority to enact such provisions respectively; and, in this Act, the expression “railway company” includes the owner or lessee of any such railway, and the contractor working or operating the same.

“Packing,” meaning of

3. In this Act the word “packing” shall mean a packing of wood or metal, or some other equally substantial and solid material, of not less than two inches in thickness, and which, where by this Act required to be filled in, shall extend to within one and a-half inches of the crown of the rails in use on any such railway, shall be neatly fitted so as to come against the web of such rails, and shall be well and solidly fastened to the ties on which such rails are laid.

Existing bridges to be altered so as to leave a

4. Every highway or other overhead bridge, or other erection or structure over any railway, existing at the time of the passing of this Act, of which the lower beams or

members of the superstructure are not of sufficient height from the surface of the rails to admit of an open and clear headway of at least seven feet between the top of the highest freight cars then running on such railway and the bottom of such lower beams or members, shall, within twelve months from that date, be re-constructed to that effect, with suitable approaches thereto, if a bridge, by and at the cost of the railway company, municipality, or other owner thereof, and shall, at all times thereafter be maintained at such height; and every such railway company before using higher freight cars than those running on their railway at the time of the passing of this Act, or of the re-construction as aforesaid of any such bridge, or other erection or structure, as the case may be, shall, after having first obtained the consent of the municipality, or of the owners of such bridge or other erection or structure, raise every such bridge or other erection or structure, over their railway and the approaches thereto, if necessary, at the cost and charges of the railway company, so as to admit as aforesaid an open and clear headway of not less than seven feet over the top of the highest freight car then about to be used on the railway.

space of 7 feet
between such
bridges and
the tops of
freight cars.

5. Whenever a highway, bridge or any other erection or structure shall hereafter be constructed over a railway, or whenever it shall become necessary to re-construct any highway bridge, or other erection or structure already built over a railway, or to make large repairs to the same, the lower beams or members of the superstructure of any such highway or over-head bridge, or of any other erection or structure over any railway, and the approaches thereto, shall be constructed or re-constructed by and at the cost of the railway company or of the municipality or other owner of the bridge, erection or structure, as the case may be, and shall at all times be maintained at a sufficient height from the surface of the rails of the railway to admit of an open and clear headway of not less than seven feet between the top of the highest freight cars then running on the railway, and the lower beams or members of such bridge or other erection; and thereafter, any railway company, before using higher freight cars than those running on their railway at the time of the construction or re-construction of, or large repair to, such bridge or other erection or structure, shall, after having first obtained the consent of the municipality, or of the owners of such highway bridge or other erection or structure, raise the

Where new
bridges are
built or old
ones re-built,
space of 7 feet
to be left be-
tween such
bridges and
the tops of
freight cars.

said bridge or other erection or structure, and the approaches thereto, if necessary, at the cost and charges of the railway company, so as to admit, as aforesaid, an open and clear headway of not less than seven feet over the top of the highest freight car then about to be used on the railway.

Special provisions against accident.

6. To make further provision against accidents, it is hereby further enacted that

- (1) On every railway aforesaid, and at all times after the lapse of three months from the passing of this Act, the space between the rails in each railway frog extending from the point thereof backward to where the heads of such rails are not less than five inches apart, shall be filled in with packing;
 - (2) On every such railway, and at all times during every month of April, May, June, August, September, and October after the passing of this Act, (but not including the months of April and May next after the passing hereof), the space between any such wing-rail and railway frog, and between any such guard-rail and any other rail fixed and used alongside thereof as aforesaid, and between all wing-rails where no other rail intervenes, shall, (save only where such space between the heads of any such wing-rail and railway frog as aforesaid, or between the heads of any such guard-rail and other rail fixed and used alongside thereof as aforesaid, or between the heads of any such wing-rails where no other rail intervenes as aforesaid, is either less than one and three-quarters of an inch or more than five inches in width,) be filled in with packing;
 - (3) The running-board on the roof of each box car used for freighting purposes on any such railway, shall at all times after the lapse of twelve months from the passing of this Act, be of a sufficient thickness and strength, and not less than thirty inches in width, and shall, with proper and safe supports, extend the whole length of such car and beyond each end thereof to a point not more than two inches less than that to which the dead-wood or bumpers at each end of such car likewise extend;
- And every railway company owning, working, or operating within this province any such railway, shall on and

throughout said railway so make, arrange, and construct and re-arrange, re-construct, and maintain all railway frogs, wing-rails, guard-rails, and other rails forming part of such railway or used therewith, and every such space as aforesaid, and the filling in thereof with packing as aforesaid, and the running board on every such box car as aforesaid in such manner and at such time that the same shall respectively conform to and comply with the requirements in that behalf of this section.

7. Where within this province personal injury is caused to a railway servant, whilst in the employment or service of a railway company, on any railway owned, worked, or operated by said railway company, or to any other person lawfully in, upon or about said railway, or any train or car thereon, and such personal injury has been occasioned or arose either wholly or partly Railway company neglecting provisions of the preceding sections to be liable for injury occasioned by such neglect.

- (1) By reason of the lower beams or members of the superstructure of any highway, or other overhead bridge, or any other erection or structure over said railway, not being at all times after the lapse of twelve months from the passing of this Act, of a sufficient height from the surface of the rails to admit of an open and clear headway of at least seven feet between the top of the highest freight cars then running on such railway, and the bottom of such lower beams or members; or,
- (2) By reason of the space between the rails in any railway frog, extending from the point of such frog backward to where the heads of such rails are not less than five inches apart, not being at all times after the lapse of three months from the passing of this Act filled in with packing; or,
- (3) By reason of the space between any wing-rail and any such railway frog, and between any such guard-rail and any other rail fixed and used alongside thereof as aforesaid, and between all wing-rails where no other rail intervenes, (save only where such space between the heads of any such wing-rail and railway-frog as aforesaid, or between the heads of any such guard-rail and other rail fixed and used alongside thereof as aforesaid, or between the heads of any such wing-rails where no other

rail intervenes as aforesaid, is either less than one and three-quarters of an inch or more than five inches in width,) not being at all times during every month of April, May, June, July, August, September, and October, excepting the months of April and May next after the passing hereof, filled in with packing ; or

- (4) By reason of the running-board on the roof of any box car used for freighting purposes on any such railway, after the lapse of twelve months from the passing of this Act, not being of a sufficient thickness and strength, and at least thirty inches in width and with proper and safe supports, extending the whole length of such car and beyond each end thereof to a point not more than two inches less than that to which the dead-wood or bumpers at each end of such car shall then be likewise extending,

such railway servant or other person, or in case the injury results in death, the legal personal representatives of such servant or other person, and any person entitled in case of death, shall be entitled to recover from such railway company compensation for all damages and loss sustained from or by reason of such injury ; and where any such injury has been so caused to or suffered by any such railway servant, the right of compensation and the remedies against the railway company shall be the same as if such railway servant had not been a servant of, nor in the employment of the railway company, nor engaged in its work.

When railway not liable for default.

8. A railway servant shall not be entitled, under this Act, to any right of compensation or remedy against the railway company of which he is such servant in any of the following cases, that is to say :

- (1) Unless the default, matter, or thing wholly or partly occasioning the personal injury as mention in section seven of this Act, arose from or had not been discovered or remedied, owing to the negligence of such railway company, or of some person in the service of and entrusted by the railway company with the duty of seeing that such default, matter, or thing did not happen, occur, or exist ;

(2) In any case where the railway servant knew of the matter, default, or negligence which caused the injury, and failed within a reasonable time to give or cause to be given, information thereof to the railway company or some person superior to himself in the service of the railway company, unless he was aware that the railway company or such superior already knew of the said matter, default, or negligence ;

(3) In any case where such matter, default, or negligence was occasioned by his own act, omission, or negligence.

9. The amount of compensation recoverable under this Act, in the case of injury to any railway servant as aforesaid, shall not exceed such sum as may be found equivalent to the estimated earnings, during the three years preceding the injury, of a person in the same grade, employed during those years in the like employment, and within this Province. Limit of compensation for injury.

10. An action for the recovery, under this Act, of compensation for an injury, shall not be maintainable unless the action is commenced within six months from the occurrence of the accident causing the injury, or, in case of death, within twelve months from the time of death. Limitation of actions.

38 VICT., CAP. 42. (CANADA.)

An Act to prevent Cruelty to Animals while in transit by Railway or other means of conveyance within the Dominion of Canada.

[Assented to 8th April, 1875.]

Preamble.

WHEREAS the transportation of cattle, by railway or vessels for long distances without rest, food, or water, is liable to cause suffering from hunger, thirst, and fatigue; And whereas it is expedient to make provisions for the regulation of the transportation or conveyance of live stock over the lines of railway, and by vessels, within the Dominion of Canada:

Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Interpretation—
“cattle.”

1. In this Act the term “cattle” shall include any horse, mule, ass, swine, sheep, or goat, as well as any neat cattle or animal of the bovine species, and whatever be the age or sex of the animal, and by whatever technical or trivial name it may be known, and shall apply to one animal as well as many.

Cattle, &c.,
not to be kept
more than 28
hours without
unlading
them for food,
rest, &c.

2. No railway company within the Dominion of Canada, whose railway forms any part of a line of road over which cattle are conveyed from one province to another province, or from the United States to or through any province, or from any part of a province to another part of the same, nor the owner or master of any vessel, carrying or transporting cattle from one province to another province, or within any province, or from the United States through or to any province, shall confine the same in any car, or vessel of any description, for a longer period than twenty-eight consecutive hours without unlading the same for rest, water and feeding for a period of at least five consecutive hours, unless prevented from so unlading and furnishing water and food by storm or other unavoidable cause, or by necessary delay or detention in the crossing of trains. In reckoning the period of confinement, the time during which the cattle have been confined without such rest and without the furnishing of food and water, on any connect-

Exception.

Time how
reckoned.

ing railways or vessels from which they are received, whether in the United States or in Canada, shall be included, it being the intention of this Act to prevent their continuous confinement beyond a period of twenty-eight hours, except upon the contingencies hereinbefore stated.

3. Cattle so unloaded shall be properly fed and watered during such rest by the owner or person having the custody thereof, or in case of his default in so doing, then by the railway company or owner or master of the vessel transporting the same, at the expense of the owner or person in custody thereof; and the company, owner, or master shall in such case have a lien upon such cattle for food, care and custody furnished, and shall not be liable for any detention of such cattle.

4. Where cattle are unladen from cars for the purpose of receiving food, water, and rest, it shall be the duty of the railway company then having charge of the cars in which they have been transported, to clear the floors of such cars, and to litter the same properly with clean saw-dust or sand before reloading them with live stock, except during a period of frost.

5. Any railway company, owner or master of a vessel, having cattle in transit as aforesaid, who shall knowingly and wilfully fail to comply with the provisions contained in the second section of this Act, shall for each and every such failure to comply with its provisions forfeit and pay as a penalty a sum not exceeding one hundred dollars for each case in which such provisions are disregarded; Provided, however, that when cattle are carried in any car or vessel, in which they can and do have proper space and opportunity for rest and proper food and water, the foregoing provisions in the second section contained in regard to their being unladen shall not apply.

6. Any peace officer or constable may at all times enter on premises where he has reasonable grounds for supposing that any car, truck, or vehicle in respect whereof any company or person has failed to comply with the requirements of this Act, is to be found, or enter on board any vessel in respect whereof he has reasonable grounds for supposing that any company or person has on any occasion so failed ; and if any person refuses admission to such peace officer or constable acting under this section, such person shall be deemed guilty of an offence against this Act.

Penalty for
contravention
of sec. 6.

7. If any person is guilty of any offence against this Act, as in the last preceding section mentioned, he shall for every such offence forfeit and pay such a sum of money not exceeding twenty dollars; nor less than five dollars, with costs, as to any one Justice of the Peace for the district, county, or place in which the offence has been committed may seem meet.

Imprison-
ment in
default of
payment.

8. The offender shall in default of payment be committed to the common jail or other place of confinement for the district, county, or place in which the offence was committed, there to be imprisoned for any time not exceeding thirty days.

Right of suit
for damages
not affected.

9. Nothing in this Act contained shall prevent or abridge any remedy by action against the offender or his employer where the amount of the damage is not sought to be recovered by virtue of this Act.

Application
of penalty and
limitation of
suits.

10. Every penalty recoverable under this Act shall belong to the Crown, and every proceeding for the recovery of such penalty shall be commenced within one month next after the committing of the offence.

Act 32-33 V.
c. 31 to apply.

11. Every offence against the seventh section of this Act may be prosecuted in the manner directed by the "Act respecting the duties of Justices of the Peace out of Sessions in relation to summary convictions and orders," so far as no provision is hereby made for any matter or thing which may be required to be done with respect to such prosecution; and all the provisions contained in the said Act shall be applicable to such prosecutions in the same manner as if they were incorporated in this Act.

42 VICT., CAP. 9. (CANADA.)

An Act to amend and consolidate "The Railway Act of 1868," and the Acts amending it.

[Assented to 15th May, 1879.]

HER MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

* * * * *

POWERS.

7. The company shall have power and authority,—

15. To cross, intersect, join, and unite the railway with any other railway at any point on its route, and upon the lands of such other railway, with the necessary conveniences for the purposes of such connection; and the owners of both railways may unite in forming such intersection, and grant the facilities therefor; and in case of disagreement upon the amount of compensation to be made therefor, or upon the point or manner of such crossing and connection, the same shall be determined by arbitrators to be appointed by a judge of one of the superior courts in the province in which the point of junction or intersection is situated:

To cross or unite with other railways.

16. But no railway company shall avail itself of any of the powers contained in the next preceding sub-section without application to the railway committee constituted under the thirty-fifth section of this Act (a), for approval of the mode of crossing, union or intersection proposed; of which application, notice in writing shall be given to any other railway affected, by sending the same by mail or otherwise, to the address of the president, superintendent, managing director, or secretary of any such railway company, and when such approval has been obtained, it shall be lawful for either railway, in case of disagreement as to

But not without application to the Railway Committee under sec. 35.

(a) The Governor-General may appoint such members of the Privy Council, to the number of four at least, to constitute the Railway Committee of the Privy Council.

As to Provincial railways.

the amount to be paid for compensation, to proceed for the determination of such compensation as provided in the said sub-section; and this sub-section and the next preceding it shall extend and apply to a railway incorporated under any Act of a Provincial Legislature, in any case in which it is proposed that such railway shall cross, intersect, join or unite with a railway under the legislative control of Canada.

* * * * *

RAILWAY STATISTICS.

Word "Company," what to mean.

29. In this and the five next following sections the term "company" means a company incorporated either before or after the passing of this Act, for the purpose of constructing, maintaining, or working a railway in the Dominion, or in any Province thereof, or connecting any Province with any other or others of the Provinces, or extending beyond the limits of any Province, by any Act of the Parliament of Canada, or of the late Province of Canada, or of the Legislatures of the late Provinces of Upper Canada, Lower Canada, Nova Scotia, New Brunswick, British Columbia, or Prince Edward Island, or of the Legislatures of any of the Provinces composing the Dominion of Canada (either alone or in conjunction with any other purpose), and includes any individual or individuals not incorporated, who are owners or lessees of a railway in the Dominion, or parties to an agreement for working a railway in the Dominion.

"Person."

The term "person" includes a body corporate.

Companies to furnish yearly returns to government, and in what form and with what details.

30. Every company shall annually prepare returns of their capital, in accordance with the form contained in schedule one to this Act, and a copy of such returns signed by the president, or other head officer of the company resident in Canada, and by the officer of the company responsible for the correctness of such return, or any part thereof, shall be forwarded by the company to the minister of public works, not later than three months after the end of the calendar year; together with a copy of the then last annual return of the traffic, and working expenditure which every such company is required to keep, in accordance with the provisions of their respective Acts of incorporation, to be verified in manner and form aforesaid, and furnished in such form as the minister of public works shall approve of

or prescribe. Any company which fails to forward the said returns in accordance with the provisions of this section shall be liable to a penalty not exceeding ten dollars for every day during which such default continues. Penalty for not making returns.

31. Every company shall weekly prepare returns of their traffic for the last preceding seven days in accordance with the form contained in schedule two to this Act, and a copy of such returns, signed by the officer of the company responsible for the correctness of such return, shall be forwarded by the company to the minister of public works within seven days from the day in each week to which the said returns shall have been prepared; and another copy of each of such returns, signed by the same officer, shall be posted up by the company within the same delay, and kept posted up for seven days, in some conspicuous place in the most public room in the head office of the company in Canada, and so as the same can be perused by all comers, and free access thereto shall be allowed to all comers during the usual hours of business at such office, on each day of the said seven, not being a Sunday or holiday. Weekly returns for publication to be furnished by companies, and copy to be posted up in head office.

And every company which fails to forward the said weekly return to the minister of public works, or which fails to post up and keep posted up a copy thereof as aforesaid, and allow free access thereto as aforesaid, shall be liable to a penalty not exceeding ten dollars for every day during which such default continues. Penalty for default.

32. If any return which is required by the two next preceding sections, is false in any particular to the knowledge of any person who signs the same, such person shall be liable on conviction thereof, on indictment, to fine and imprisonment, such fine not to exceed two hundred and fifty dollars. Penalty for false returns.

2. All penalties imposed by this or the two next preceding sections shall be recoverable by the person suing for the same for his own use and benefit in any Court having jurisdiction in civil cases to the amount.

33. The minister of public works shall lay before both Houses of Parliament within twenty-one days from the commencement of each session, the returns made and rendered to him, in pursuance of section thirty of this Act. Report to Parliament.

34. All returns made in pursuance of any of the provisions of this Act, shall be privileged communications, and shall not be evidence in any court whatsoever. Returns to be privileged.

* * * * *

Not to impede navigation.

66. No such [railway] company shall cause any obstruction in or impede the free navigation of any river, stream or canal to or across, or along which their railway is carried.

Railways crossing rivers, &c., regulated.

67. If the railway be carried across any navigable river or canal, the company shall leave openings between the abutments or piers of their bridge or viaduct over the same, and shall make the same of such clear height above the surface of the water, or shall construct such draw-bridge or swing-bridge over the channel of the river, or over the whole width of the canal, and shall be subject to such regulations as to the opening of such swing-bridge or draw-bridge as the Governor in council from time to makes :

As to bridges over navigable rivers of Canada.

2. No railway company shall, from and after the first day of August, 1879, be allowed to pass over any canal, or over the navigable channel of any river, without having first laid such proper flooring under and on both sides of their railway track over such canal or channel, as shall be deemed by the Minister of Public Works sufficient to prevent any thing falling from the railway into such canal or river, or upon the boats or vessels, or craft, or persons navigating such canal or river.

Plans to be submitted to the Governor in council.

68. It shall not be lawful for any such company to construct any wharf, bridge, pier, or other work upon or over any navigable river, lake or canal, or upon the beach or bed or lands covered with the waters thereof, until they have first submitted the plan and proposed site of such work to the Railway Committee (a), and the same has been approved; and no deviation from such approved site or plan shall be made without the consent of the committee.

* * * * *

When a railway passes over a swing-bridge, &c. train to stop for three minutes.

70. In all cases where a railway passes any draw or swing-bridge over a navigable river, canal or stream which is subject to be opened for the purpose of navigation, the trains shall in every case be stopped at least three minutes, to ascertain from the bridge tender that the said bridge is closed and in perfect order for passing, and in default of so stopping during the full period of three minutes, the said railway company shall be subject to a fine or penalty of four hundred dollars.

(a) See note (a), p. 155.

71. Whenever any railway company or other road company is lawfully incorporated by an Act of a Provincial Legislature, with power to construct a railway or other road on a line intersected by any navigable water, and it is necessary for such construction that such road should be carried across or along such navigable water, the sixty-sixth, sixty-seventh, sixty-eighth and seventieth sections of this Act shall, subject to the provisions hereinafter made, apply to such company in respect of the carrying such road by such company across or along such navigable water:

2. Any company proposing to construct any work under this section shall give public notice for six weeks, in two newspapers published nearest the site of the proposed work, that the plan and proposed site has been submitted to the Railway Committee of the Privy Council under the sixty-eighth section, and that it is intended to apply to the Governor in council to authorize the work:

3. Subject to the provisions of the said sixty-sixth, sixty-seventh, sixty-eighth and seventieth sections, the Governor in council may, after the expiration of the notice prescribed by the second sub-section of this section, authorize such company to carry such road across or along such navigable water, pursuant to a plan and on a site to be approved by the Railway Committee under the said sixty-eighth section, upon such conditions as shall appear reasonable: Provided that no unnecessary damage be caused to any lands by reason of the work, and that compensation be made for any damage caused to any lands by reason of the work,—the amount of such compensation in case of disagreement to be settled under the provisions of this Act:

4. In case any company constructs any work under the provisions of this section, such company shall, as to the work so constructed but no further or otherwise, be subject to the provisions of the Act passed in the thirty-fifth year of Her Majesty's reign, intituled "*An Act respecting Bridges*," (a) and the whole of such work shall be deemed to be "bridge" within the purview of the said Act and subject to all the provisions thereof:

(a) 35 V. c. 25, is not contained in this compilation; nor are the penal clauses of this Act.

Power reserved to
Parliament.

5. Parliament may, at any time, annul or vary any order of the Governor in Council, made under the third subsection of this section; and no such legislation shall be deemed an infringement of the rights of the company.

Not to apply
to certain
rivers.

6. No order shall be made under this section to authorize the crossing of the River St. Lawrence or the River St. John.

RETURNS BY RAILWAY COMPANIES.

SCHEDULE ONE. (1875.)

RETURN in pursuance of the Consolidated Railway Act, 1879, by the railway company, of their authorized share and loan capital, and the sums received in respect of their ordinary capital and preferential capital, and debenture stock, or funded debt, on the 31st December, 18 , specifying the rate per cent. of the dividends for the year 18 , on each of the said capitals, showing also the loans outstanding on the 31st December, 18 , classified according to the several rates per cent. of interest, and the capital subscribed to other undertakings, whether such undertakings are on lease to, or worked by the subscribing company, or are independent.

Name of Company.	*Authorized capital up to the 31st December, 18 , including capital authorized as subscriptions to other undertakings, whether such undertakings are on lease to, or worked by the subscribing company, or are independent.			Paid up stock and share capital at 31st December, 18 , including subscriptions paid up to other undertakings.							
	+By Shares.	By Loans.	Total.	Ordinary.	Rate per cent. of Dividend.	Guaranteed.	Guaranteed rate of dividend.	Rate of dividend paid.	Preferential.	Preferential rate of dividend.	Rate of dividend paid.
	£	£	£	£	£	£	£	£	£	£	Total paid up stock and share capital at 31st Dec., 18 .
Capital raised by loans and debenture stock, at 31st December, 18 .											
Loans.	Rate of interest.	‡ Debentures.	Rate of Interest.	Total raised by loans and debenture stock at 31st Dec. 18	Total stock and share capital paid up, and capital raised by loans and debenture stock, at 31st Dec., 18 .	Subscriptions to other companies.		Remarks.			
£		£		£	£	£	£				

NOTE.—This Return should be dated and signed by the officer, or officers of the company responsible for its correctness.

* This should include all capital authorized to be raised by Acts of Parliament, or Provincial Legislatures, but should not include capital authorized only for purposes which have lapsed by abandonment or otherwise.

† In cases where a subscription is authorized out of *existing* capital, no addition should be made in respect of it to the sum entered in this column, but only to the sum entered in the last column.

‡ Care should be taken not to confound debenture stock with ordinary debenture loans, and not to enter the same under both heads.

SCHEDULE TWO. (1875.)

..... *Railway of Canada.*

RETURN of Traffic for week ending 18 , and the
corresponding week, 18 .

Date.	Passengers.		Freight and live stock.		Mails and Sundries.	Total.	Miles open.
18
18

Increase*Decrease*

Aggregate Traffic from 18

Date.	Passengers.	Freight and live stock.	Mails and sundries.	Total.	Miles open.
18
18

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Passengers injured on, to have no claim for damages.	95
WORKING EXPENSES.	
When interest and rent to be included in	117

